

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE  
STATE OF CALIFORNIA



**FILED**  
03/06/20  
01:23 PM

COMMISSIONER CLIFF RECHTSCHAFFEN, In attendance  
ADMINISTRATIVE LAW JUDGE PETER V. ALLEN, presiding

	)	EVIDENTIARY
	)	HEARING
	)	
Order Instituting Investigation on	)	
the Commission's Own Motion to	)	
Consider the Ratemaking and Other	)	
Implications of a Proposed Plan for	)	
Resolution of Voluntary Case filed	)	
by Pacific Gas and Electric Company,	)	
pursuant to Chapter 11 of the	)	Investigation
Bankruptcy Code, in the United	)	19-09-016
States Bankruptcy Court, Northern	)	
District of California, San	)	
Francisco Division, In re Pacific	)	
Gas and Electric Corporation and	)	
Pacific Gas and Electric Company,	)	
Case No.19-30088.	)	

REPORTERS' TRANSCRIPT  
San Francisco, California  
March 2, 2020  
Pages 797- 1074  
Volume - 5

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1 SAN FRANCISCO, CALIFORNIA

2 MARCH 2, 2020 - 9:03 A.M.

3 \* \* \* \* \*

4 ADMINISTRATIVE LAW JUDGE ALLEN: On the  
5 record. Good morning. This is the  
6 continuation of evidentiary hearing in  
7 Investigation 19-09-016. I'm Administrative  
8 Law Judge Peter Allen returning. Many thanks  
9 to Judge Cooke for filling in for me while I  
10 was noticeably under the weather. With that,  
11 let's start with some housekeeping matters.

12 Mr. Manheim.

13 MR. MANHEIM: Thank you, your Honor.  
14 Welcome back. In connection with the  
15 cross-examination of PG&E witness Jason  
16 Wells, there was a question raised about cost  
17 recovery for short-term debt. ALJ Cooke  
18 asked that PG&E clarify that through  
19 statement of counsel, which I'm prepared to  
20 do this morning.

21 ALJ ALLEN: Go ahead.

22 MR. MANHEIM: As part of PG&E's  
23 proposal, it is proposing a short-term bridge  
24 as an insurance option effectively. The  
25 question came up how is short-term debt  
26 typically recovered in rates, so I will  
27 address how the interest cost of short-term  
28 debt is typically addressed and then how

1 issuance of other costs are typically  
2 addressed.

3           So, with respect to interest on  
4 short-term debt, the actual interest rate of  
5 PG&E's short-term debt is generally not  
6 passed through to customers. Rather,  
7 consistent with Commission policy, PG&E  
8 receives the three-month, Tier 1 commercial  
9 paper rate on approved balances which  
10 includes undercollections in memo and  
11 balancing accounts and certain other  
12 nonrate-based assets such as inventories of  
13 natural gas used to meet peak demand and  
14 inventories of diesel fuel.

15           With respect to the issuance or  
16 other costs associated with short-term debt,  
17 costs associated with credit facilities and  
18 letters of credit are recovered through  
19 balancing accounts or, for credit facilities,  
20 also partially recovered through the GRC as  
21 administrative and general expense.

22           So apart from this normal process in  
23 this proceeding with respect to the bridge,  
24 PG&E is asking the Commission to authorize  
25 recovery of a portion of the cost of the  
26 bridge through PG&E's authorized cost of debt  
27 and, if the bridge is funded, actually used,  
28 to update its authorized cost of debt to

1 reflect the interest rate on the bridge.

2 So specifically, this applies to the  
3 portion of the bridge that would finance rate  
4 base, not any amounts used for contributions  
5 to the wildfire fund or for the payment of  
6 wildfire claims.

7 We will be addressing this as stated  
8 in Mr. Wells' testimony through an advice  
9 letter filing in the cost of capital  
10 proceeding.

11 ALJ ALLEN: Thank you.

12 Does anyone have clarifying  
13 questions for Mr. Manheim on his statement?

14 Mr. Alcantar.

15 MR. ALCANTAR: Yes, your Honor. Thank  
16 you.

17 Mr. Manheim, will the tier advice  
18 letter be a Tier 3 advice letter, so subject  
19 to comment or complaint by stakeholders?

20 MR. MANHEIM: I'll have to get back to  
21 you on that. I believe it's -- yeah, I'll  
22 get back to you on that, Mr. Alcantar.

23 ALJ ALLEN: Mr. Long and Ms. Kelly.

24 MR. LONG: Your Honor, the attorney who  
25 is handling those issues for TURN is not  
26 here, Mr. Finkelstein, so I'd like to have  
27 him have an opportunity to review  
28 Mr. Manheim's remarks to see if he has

1 questions.

2 ALJ ALLEN: That's fine. My ideal  
3 preference would be that, if there are  
4 questions, those can be given to Mr. Manheim  
5 off-line and then he can do a further  
6 clarifying statement at a later time.

7 Ms. Kelly.

8 MS. KELLY: Yes, thank you. One  
9 further clarifying question. You had stated  
10 that with respect to the bridge financing,  
11 there is a portion of the cost of debt that  
12 will be applied to the rate base and a  
13 certain portion that is not; is that correct?

14 MR. MANHEIM: The current expectation  
15 is that it would be used to finance rate  
16 base, but to the extent the bridge is sized  
17 to potentially include contributions to the  
18 wildfire fund, then PG&E would not be seeking  
19 cost recovery associated with that --

20 MS. KELLY: Okay.

21 MR. MANHEIM: -- with that portion.

22 MS. KELLY: Okay. Sorry, one further  
23 clarification, which is so at the current  
24 moment in time, the expectation is that the  
25 bridge would go to finance rate base; is that  
26 correct?

27 MR. MANHEIM: Yes.

28 MS. KELLY: So then 100 percent of the

1 issuance and other costs would be applied to  
2 ratepayers?

3 MR. MANHEIM: So if the bridge is  
4 funded -- it's not even clear it would be  
5 used -- but if funded, we will then address  
6 in the advice letter to what extent in  
7 finance rate base and other items, and we  
8 would only seek recovery of fees associated  
9 with the portion used to fund rate base.

10 MS. KELLY: Your Honor, I just --

11 ALJ ALLEN: I think the answer is yes.

12 MS. KELLY: Yes, thank you.

13 And my one last clarifying question  
14 is are there any costs of that facility prior  
15 to draw on that facility?

16 MR. MANHEIM: So my understanding is  
17 even if the bridge is not used, there are  
18 some fees and costs that PG&E would seek cost  
19 recovery of through the advice letter  
20 process.

21 MS. KELLY: And do you know the scale  
22 of those fees and costs?

23 MR. MANHEIM: No.

24 MS. KELLY: Thank you. No further  
25 questions.

26 ALJ ALLEN: Thank you.

27 Mr. Alcantar.

28 MR. ALCANTAR: I was only going to



1     reiterate I think what you've offered to us.  
2     I think there are several additional  
3     clarifying issues to raise with Mr. Manheim,  
4     including one I don't want to belabor the  
5     record on, but there's a discovery response  
6     with a rather expensive spread sheet in  
7     support of the supplemental testimony that I  
8     think also bears on this that we're going to  
9     seek to work with Mr. Manheim to get into the  
10    record as well.

11           ALJ ALLEN:  Yes.  If there's clarifying  
12    information either through a document or  
13    additional statement, feel free to work  
14    off-line with Mr. Manheim.

15           MR. GEESMAN:  I think my question is  
16    fairly short and easily answered.  Does PG&E  
17    characterize the pollution control bonds,  
18    both historically and going forward, as  
19    short-term debt or long-term debt?

20           MR. MANHEIM:  My understanding, it is  
21    not considered short-term debt.

22           MR. GEESMAN:  So it would be considered  
23    long-term debt?

24           MR. MANHEIM:  Yes.

25           MR. GEESMAN:  Yes.

26           MR. MANHEIM:  And if that's not  
27    correct, I'll correct later.

28           ALJ ALLEN:  Any other preliminary

1 matters before we call PG&E witness Kane?

2 Ms. Koss.

3 MS. KOSS: Yes, your Honor, thank you,  
4 just a scheduling matter. Counsel have  
5 agreed to have Mr. Dalzell, CUE's witness,  
6 take the stand first on Wednesday. He was  
7 originally scheduled to be last. No parties  
8 have objected to that, so I just wanted to  
9 clarify that.

10 ALJ ALLEN: That would be on Wednesday  
11 the 4th that Dalzell would start?

12 MS. KOSS: That's correct.

13 ALJ ALLEN: Okay. Thank you.

14 MS. KOSS: Thank you.

15 ALJ ALLEN: Any other preliminary  
16 matters?

17 Mr. Abrams.

18 MR. ABRAMS: At the end of Friday, I  
19 put forward a motion for a public  
20 participation, or renewed my motion, given  
21 the lack of participation from the TCC and  
22 feeling it's very important that we get  
23 information out and get the pulse of the  
24 public regarding the Plan of Reorganization.  
25 I just wanted to make sure that that was  
26 restated.

27 ALJ ALLEN: Sure. Let me address that,  
28 and two things; first off, TCC can determine

1     how best to represent its clients, whether  
2     that's through cross-examination or not doing  
3     cross-examination.

4             How do you propose that public  
5     participation hearings could be conducted in  
6     a way that would be meaningful and that could  
7     be completed in the deadline set by AB-1054?

8             MR. ABRAMS: I would suggest holding  
9     public participation hearings particularly in  
10    those areas where they were affected by the  
11    wildfires. I would expect that PG&E would  
12    have folks there and be able to answer  
13    questions about the Plan of Reorganization.

14            I would expect, to whatever extent  
15    that the TCC wanted to have representation at  
16    that, to be able to explain the Plan of  
17    Reorganization, that that would be there. I  
18    would also expect that there might be a  
19    ratepayer advocate who would be present there  
20    and that there could be questions from the  
21    public regarding impacts to the Plan of  
22    Reorganization on public safety, on  
23    affordability, and all the issues before the  
24    Commission.

25            ALJ ALLEN: Thank you, Mr. Abrams. I  
26    was not asking how the public participation  
27    hearings would be conducted. I'm asking how  
28    they could be conducted in the time frame set

1 by AB-1054.

2 MR. ABRAMS: I would suggest, given  
3 that we were able to consolidate the  
4 evidentiary hearings between non-financial  
5 and financial issues and we've been  
6 streamlining this at the direction of PG&E to  
7 make this as expeditious a process as  
8 possible, that we take the time given that  
9 time savings that was applied there and apply  
10 it to having public participation hearings so  
11 that we can have some meaningful dialog with  
12 the public to understand their concerns and  
13 we can understand whether the concerns of the  
14 public are addressed in this Plan of  
15 Reorganization or they're not.

16 ALJ ALLEN: I'm sorry, Mr. Abrams, but  
17 there's not what I see as significant time  
18 savings. I'm going to deny your request for  
19 public participation hearings.

20 Anything else before we call Witness  
21 Kane? Seeing none. PG&E, please call your  
22 next witness.

23 MR. MANHEIM: And may I introduce  
24 Skylar Grove from Munger Tolles who will be  
25 handling Ms. Kane.

26 ALJ ALLEN: Thank you.

27 Ms. Grove.

28 MS. GROVE: We'd like to call Julie

1 Kane, your Honor.

2 ALJ ALLEN: Thank you. Off the record.

3 (Off the record.)

4 ALJ ALLEN: On the record.

5 Ms. Kane.

6 THE WITNESS: Good morning.

7 ALJ ALLEN: Please stand.

8 JULIE KANE, called as a witness by  
9 Pacific Gas & Electric Company, having  
been sworn, testified as follows:

10 THE WITNESS: I do.

11 ALJ ALLEN: Thank you. Please be  
12 seated, state your full name and spell your  
13 last name for the record.

14 THE WITNESS: My name is Julie Kane,  
15 K-a-n-e.

16 ALJ ALLEN: Please make sure to  
17 remember to use the microphone and that the  
18 green light is on.

19 THE WITNESS: Yes.

20 DIRECT EXAMINATION

21 BY MS. GROVE:

22 Q Good morning, Ms. Kane.

23 A Good morning.

24 Q What is your position at PG&E?

25 A I am the Senior Vice President and  
26 Chief Ethics and Compliance Officer and  
27 Deputy General Counsel.

28 Q Do you have in front of you PG&E's

1 Prepared Testimony, Volume I, which has been  
2 marked as PG&E's 1?

3 A Yes, I do.

4 Q Are you sponsoring Chapter 8 of  
5 that testimony?

6 A Yes, I am.

7 Q Was that testimony prepared by you  
8 or under your direction?

9 A Yes.

10 Q Do you have any corrections to your  
11 testimony?

12 A I do not.

13 Q Is your testimony true and correct  
14 to the best of your knowledge?

15 A Yes, it is.

16 MS. GROVE: Ms. Kane is available for  
17 cross-examination.

18 ALJ ALLEN: Thank you, Ms. Grove.

19 Mr. Long.

20 MR. LONG: Thank you, your Honor.

21 CROSS-EXAMINATION

22 BY MR. LONG:

23 Q Good morning, Ms. Kane. I'm Tom  
24 Long of TURN.

25 A Good morning.

26 Q To begin, you would have been with  
27 PG&E since May 2015; is that right?

28 A That's correct.

1           Q   And you've had the same position  
2   since you joined?

3           A   Generally speaking.  The compliance  
4   position has been the same.  Some of the  
5   legal aspects of what I do have adjusted a  
6   little bit.

7           Q   And has your position always  
8   reported to the chief executive officer of  
9   the corporation?

10          A   Yes, it has, although there have  
11   been some changes in his role.  When I  
12   originally came to PG&E, for example,  
13   Mr. Tony Early was the chief executive  
14   officer and chairman so I was reporting to  
15   the CEO and chairman.  Now I'm reporting to  
16   the CEO and certain committees of the board  
17   of directors.

18          Q   Okay.  But always reporting at the  
19   corporate level; is that right?

20          A   Correct.

21          Q   Now I'd like to direct your  
22   attention to a document I left at your table  
23   there.  It's an excerpt from what has been  
24   marked as TURN Cross-Examination Exhibit 2,  
25   TURN-X-2.  Specifically I'd like you to turn  
26   to the response, the question and response to  
27   Data Request TURN 17-4.

28               Do you have that in front of you?

1           A    I do.

2           Q    There I asked for information about  
3 your role in relation to the Locate and Mark  
4 enforcement proceeding before the CPUC.

5                   Do you see that question?

6           A    I do.

7           Q    The Locate and Mark proceeding, I  
8 assume that was a proceeding that you needed  
9 to inform the probation officer about in the  
10 criminal proceeding?

11          A    Yes.

12          Q    That's because it was an  
13 administrative proceeding against PG&E; is  
14 that right?

15          A    That's generally correct, yes.

16          Q    That was one of the conditions of  
17 probation?

18          A    Yes.

19          Q    And what did informing the  
20 probation officer about the proceeding  
21 entail?

22          A    It will vary. I don't remember  
23 specifically with respect to this matter, but  
24 we either would have called our probation  
25 officer or written to her or maybe both.

26          Q    Okay. And you're the person  
27 responsible for informing the probation  
28 officer; is that right?



1           A    My team and I, yes.

2           Q    Okay. All right. So you had to  
3 have some knowledge and involvement in this  
4 proceeding; is that fair?

5           A    Yes.

6           Q    In fact, your response says you had  
7 a general supervisory role with respect to  
8 the positions that PG&E took in that case; is  
9 that right?

10          A    That's correct.

11          Q    Are you aware that one of the  
12 things that went wrong with Locate and Mark  
13 was that in May 2016 PG&E's senior vice  
14 president of gas operations, Jesus Soto, was  
15 directly informed about the problem of late  
16 responses to 811 tickets being counted as on  
17 time when, in fact, they were not?

18                   Are you aware of that?

19          A    I am aware that Mr. Soto received  
20 some information along those lines at that  
21 time.

22          Q    And that Mr. Soto then asked his  
23 subordinate Mr. Higgins to deal with the  
24 problem, but Mr. Soto did not follow up with  
25 Mr. Higgins.

26                   Is that your understanding?

27          A    I am aware that Mr. Soto asked  
28 Mr. Higgins to follow up, yes.



1 has a sound enforcement regime. And that if  
2 there are problems that are going to  
3 potentially lead to violations, that your job  
4 is to help prevent that, is it not?

5 A I wouldn't phrase it quite the way  
6 you did. If I may just try to explain a bit.  
7 As the Chief Ethics and Compliance Officer, I  
8 in my role direct the Ethics and Compliance  
9 Program from the corporate center, and we  
10 work with the lines of business to promote  
11 their Ethics and Compliance Program. So a  
12 line of business would be Gas Operations,  
13 Electric Operations.

14 And a compliance program has many  
15 elements. And so that's the Code of Conduct,  
16 training individuals in the leadership, many  
17 other things including promoting an effective  
18 investigations program and then taking action  
19 once an investigation is complete as  
20 appropriate.

21 Q Getting back to Locate and Mark.  
22 If Mr. Soto had followed up with Mr. Higgins  
23 and taken effective action to address the  
24 Locate and Mark problems in May of 2016  
25 instead of, as it turned out, nothing really  
26 got resolved until the attention was focused  
27 on that problem sufficiently until 2017.

28 So if Mr. Soto had focused on the

1 issue and followed up in May of 2016, almost  
2 a year of violations could have avoided; is  
3 that right?

4 A I think your question is asking me  
5 to speculate what would have happened if  
6 Mr. Soto had done something, and I'm not in a  
7 position to do so.

8 Q Well, my question was asking you to  
9 assume that Mr. Soto followed up and ensured  
10 that the problem had been handled and that he  
11 was directly informed. So with that  
12 assumption, would it be fair to say that the  
13 problem could have been addressed much sooner  
14 than it in fact ended up being addressed?

15 A Perhaps. It just feel like you're  
16 asking me to speculate. I can't really say  
17 sitting here today in 2020 what would have  
18 happened if something had happened in 2016.

19 Q Okay. Now, are you familiar with  
20 the fact that in March of 2019, this is after  
21 the Locate and Mark Investigation had been  
22 opened. It was a formal docket at the PUC.  
23 And almost three years after Mr. Soto was  
24 directly informed about the Locate and Mark  
25 problems, PG&E was required to file a  
26 document called a 90-Day Report?

27 A I'm aware of that.

28 Q And that that 90-Day Report was

1 essentially PG&E's first written response to  
2 the Safety and Enforcement Division's, or  
3 SED, allegations in that case?

4 A Yes, in that case. I will share  
5 that at the time I became involved in the  
6 matter, PG&E undertook its own investigation.  
7 We hired a third-party investigator, and we  
8 asked them to look at the issues. And that  
9 is information we also shared throughout the  
10 process of that investigation with the third  
11 monitor and SED.

12 So although I think it's probably  
13 correct to say, if I understood your question  
14 correctly, that that would have been the  
15 first major filing in the OII. There were  
16 other pieces of information we shared with  
17 SED.

18 Q That was my question. That was  
19 PG&E's first written response to the  
20 allegations of SED; is that right?

21 A Yes. That's my understanding.

22 Q Now, was that a pleading that you  
23 would have reviewed?

24 A Yes. I believe that I did review  
25 that.

26 Q So now I'd like to direct your  
27 attention to the other document up on the  
28 stand for you.

1           MR. LONG: And, your Honor, at this  
2           time, I'd like TURN's cross-examination  
3           exhibit, which is titled Excerpt from PG&E's  
4           90-Day Report in I.18-12-007 Locate and Mark.  
5           I'd like that to be marked as the next  
6           cross-exhibit for TURN.

7           ALJ ALLEN: Thank you, Mr. Long. That  
8           exhibit will be marked as TURN-X-07.

9                     (Exhibit No. TURN-X-07 was marked  
10                    for identification.)

11           MR. LONG: Thank you, your Honor.

12           Q     Ms. Kane, do you have that in front  
13           of you?

14           A     I do.

15           Q     May I have just a moment, your  
16           Honor?

17                     And I supplied that to the service  
18           list last night hoping your counsel would  
19           share it with you. Did you have a chance to  
20           look at that excerpt?

21           A     I did rather briefly. It was sort  
22           of late.

23           Q     Yes. Okay. The excerpt consists  
24           of the title page and the table of contents.  
25           And two pages from the pleading, pages 80 and  
26           81. I'm interested in having you look at  
27           page 81 if you could turn to that?

28           A     Yes.

1           Q    And that's where there's a  
2   discussion of Mr. Soto's handling of the  
3   information he received about the Locate and  
4   Mark problems in May of 2016. Do you see  
5   that? It's a full paragraph with an indented  
6   quote. Do you see that on page 81?

7           A    I do.

8           Q    Okay. Why don't you take a moment  
9   just to review it now, and then I'll have  
10  some questions for you.

11          A    Thank you.

12                Okay.

13          Q    All right. So I'm going to share  
14  my perception of this paragraph and ask you  
15  whether you agree or disagree.

16                My perception is that this  
17  paragraph, including the indented quotation,  
18  treats Mr. Higgins' behavior as unacceptable.  
19  But it attempts to excuse the behavior of  
20  Mr. Soto, the Senior Vice President of Gas  
21  Operations. Do you see it the same way?

22          MS. GROVE: Objection, your Honor. The  
23  document speaks for itself.

24          ALJ ALLEN: Overruled.

25          THE WITNESS: I do not see it this way.  
26  BY MR. LONG:

27          Q    Let's look at the indented quote.  
28  That's an excerpt from Mr. Soto's deposition

1     that PG&E chose to include. It didn't  
2     include other quotes. It included that  
3     particular quote. And that quote is  
4     basically saying that Mr. Soto is a very busy  
5     man. Isn't that the point of that?  
6     Including that quote he had a lot of things  
7     to do.

8           A     Well, I don't see that it says  
9     Mr. Soto is a very busy man. I think it is  
10    designed to convey that in his role as the  
11    senior leader in the organization, he's  
12    managing a number of priorities and does  
13    delegate certain aspects of his work to those  
14    in the organization.

15          Q     And then it goes on to say that  
16    Mr. Higgins was responsible for investigating  
17    the issue. And that if Mr. Higgins -- based  
18    on the working relationship that Mr. Soto and  
19    Mr. Higgins had -- that if Mr. Higgins did  
20    not return to Mr. Soto, Mr. Soto thought that  
21    meant it was handled. Isn't that what --  
22    that seems to be making a case for Mr. Soto's  
23    lack of follow-up as being reasonable. Do  
24    you not see it that way?

25          A     I don't see it that way in part  
26    because of my own experience, and that is  
27    that at PG&E, and in all other organizations  
28    I've ever been in, leaders delegate work to



1 other individuals in the organization  
2 frequently. And sometimes there may be an  
3 expectation in fact that if an individual  
4 doesn't come back, the matter has been  
5 handled.

6 So again, I can see as reasonable  
7 this notion that if I'm Jesus Soto, and now  
8 I'm speculating, I've delegated this. I  
9 expect it has been handled unless the  
10 individual comes back to me.

11 Q And so it was okay for Mr. Soto not  
12 to follow up then? Is that what you're  
13 saying?

14 A I don't -- that is not what I'm  
15 saying.

16 Q Okay. Well, then I'm afraid I'm  
17 failing to understand your point.

18 A So maybe I'm not communicating  
19 effectively. Let me take a step back. I  
20 think the Locate and Mark matter, which is  
21 now closed, is something PG&E took extremely  
22 seriously. We have accepted responsibility  
23 for the shortcomings with respect to this  
24 matter.

25 I was sitting, I think, in this  
26 chamber when ALJ Allen presided over that  
27 OII, the settlement hearings. We held  
28 employees accountable. And we know we did

1 not meet the mark with respect to Locate and  
2 Mark.

3 What I'm having trouble with is  
4 speculating about the motives or thinking of  
5 Mr. Soto or things along those lines. And I  
6 feel like that's what you're asking me to do,  
7 and I'm just kind of struggling with that.

8 Q Okay. Well --

9 ALJ ALLEN: Let's limit it to  
10 additional cross, Mr. Long.

11 MR. LONG: Okay. All right.

12 ALJ ALLEN: I have some understanding  
13 of this issue.

14 BY MR. LONG:

15 Q So in retrospect, Ms. Kane, do you  
16 -- do you feel like this meeting, in  
17 particular page 81 we've just been looking at  
18 sets the right tone for managerial  
19 expectations with respect to preventing  
20 serious regulatory violations such as this  
21 one that led to \$110 million in penalties?

22 A So this -- the piece of paper that  
23 I'm looking at is one page in a record of  
24 probably thousands. I'm not sure. Maybe  
25 tens of thousands of pages in a proceeding  
26 that is closed.

27 Should I pause?

28 Q I'm sorry. Please go ahead.

1           A     Okay.  So I'm just reluctant to  
2     characterize this as a PG&E position.  It's  
3     one page as a excerpt.  As I mentioned a  
4     couple of minutes ago, PG&E has taken  
5     responsibility for the Locate and Mark matter  
6     and acknowledged that we fell short of our  
7     high expectations and we held individuals  
8     accountable.  And so I think that's my view.

9           MR. LONG:  Those are all of my  
10    questions.  Thank you, Ms. Kane.

11          ALJ ALLEN:  Thank you, Mr. Long.  
12          Ms. Kelly?

13          MS. KELLY:  Thank you, your Honor.  Is  
14    this is microphone on?

15          ALJ ALLEN:  If you tap it, we can tell.  
16    Tap on it.  Just try to get close to it.

17                   CROSS-EXAMINATION

18    BY MS. KELLY:

19          Q     Thank you, Your Honor.

20                 Thank you, Ms. Kane.  I have a  
21    question for you.  If you would please turn  
22    to page 8-7 of your testimony.

23          A     Yes.

24          Q     Down starting on line 24, it talks  
25    about additions to PG&E's conditions of  
26    probation.  Would you read the item No. 1?

27          A     Yes.  That says:

28                 The utility must fully

1                   comply will all applicable  
2                   vegetation management and  
3                   clearance-related laws.

4               Q    And is PG&E currently in compliance  
5                   with applicable vegetation management and  
6                   clearance-related laws?                   ]

7               A    PG&E is in substantial compliance,  
8                   as we have explained in pleadings in other  
9                   forum --

10              Q    Thank you.  Could you please define  
11                   what you mean by "substantial compliance?"

12              A    I was just about to do that.

13              Q    Okay.

14              A    So, we believe we are in  
15                   substantial compliance.  What we are not  
16                   comfortable doing is certifying perfect  
17                   compliance because of the dynamic nature --

18              MS. KELLY:  Objection, your Honor.  My  
19                   question relates to --

20              ALJ ALLEN:  Ms. Kelly, she's trying to  
21                   answer the question you asked.  Please let  
22                   her answer the question.

23                       Go ahead, Ms. Kane.

24              THE WITNESS:  Thank you.  So because of  
25                   the very dynamic nature of our service  
26                   territory which has millions of trees and  
27                   thousands of individuals working to ensure  
28                   that we do adhere to veg management and

1 clearance-related laws and the fact that at  
2 any given moment in time, in fact even after  
3 an inspector has just looked at a tree or  
4 someone has just trimmed a tree because of  
5 natural occurrences in the environment; as an  
6 example, winds blowing which brings a branch  
7 close --

8 MS. KELLY: I object to this answer at  
9 this point as it is not responsive to what is  
10 "compliance."

11 ALJ ALLEN: Ms. Kelly, I thought you  
12 asked her what the difference was between --  
13 what substantial compliance meant and I think  
14 she's explaining why they are in substantial  
15 but not perfect compliance --

16 MS. KELLY: Okay. Please proceed.

17 ALJ ALLEN: -- which seems directly  
18 related to your question. So I'll let her  
19 finish answering the question.

20 Go ahead, Ms. Kane.

21 THE WITNESS: Thank you.

22 In any case, because conditions can  
23 change so quickly and the environment is so  
24 dynamic that for us to certify that any given  
25 tree is in compliance with let's say a  
26 clearance standard would be impossible. We  
27 would have to actually have people posted at  
28 each tree day and night all the time and we

1 just can't comfortably do that. So rather  
2 than certify perfect compliance, we are  
3 stating that we are in substantial  
4 compliance.

5 I will also add that we have some  
6 experts coming up next from our wildfire team  
7 and they can probably talk to you more about  
8 some of these issues.

9 BY MS. KELLY:

10 Q So my question was: How does PG&E  
11 define "substantial compliance?" I would  
12 assume that in order to say "we're in  
13 substantial compliance," PG&E has determined  
14 what substantial compliance means to PG&E.  
15 Can you define what that is?

16 A I don't think I am the best person  
17 to define it. Maybe you can talk to the  
18 wildfire people. What I do know is the vast  
19 majority of the work that we attempted to  
20 complete last year to comply with this  
21 requirement was completed.

22 Q Correct. And to what quality  
23 standard was that work completed?

24 A To what quality standard? I am not  
25 sure I understand the question.

26 Q Let's think about a single mile of  
27 lines and those lines are worked and then  
28 inspected. You are going to end up with a

1 figure of something along the lines of number  
2 of exceptions per mile. Has PG&E determined  
3 how many exceptions per mile are acceptable?

4 A I have to tell you I don't know the  
5 answer to that. I would defer to colleagues  
6 who are more expert with respect to wildfire  
7 mitigation.

8 Q And this is a condition of  
9 probation, though?

10 A A condition of probation is that we  
11 fully comply with all applicable vegetation  
12 management and clearance-related laws, as I  
13 said earlier, yes.

14 Q And it also -- in your testimony it  
15 also says that:

16 The utility must fully  
17 comply with the targets and  
18 metrics set forth in the  
19 utility's --

20 (Interjection by court  
21 reporter.)

22 ALJ ALLEN: Slow down, please.

23 BY MS. KELLY:

24 Q I'm sorry.

25 An additional condition of PG&E's  
26 probation is that:

27 The utility must fully  
28 comply with the targets and

1 metrics set forth in the  
2 utility's CPUC-approved  
3 2019 Wildfire Safety Plan,  
4 including with respect to  
5 enhanced vegetation  
6 management.

7 Is that correct?

8 A Yes.

9 Q Okay. Would you please turn to  
10 that document, the Wildfire Safety Plan? I  
11 had circulated this as a cross-examination  
12 exhibit.

13 ALJ ALLEN: Ms. Kelly, this is an  
14 excerpt from the PG&E Wildfire Safety Plan  
15 you marked as a cross-examination exhibit?

16 MS. KELLY: Yes, your Honor.

17 ALJ ALLEN: That will be marked as  
18 MCE-X-2.

19 (Exhibit No. MCE-X-02 was marked for  
20 identification.)

21 THE WITNESS: I am not sure I see that.  
22 Do you know if I have that?

23 ALJ ALLEN: Off the record.

24 (Off the record.)

25 ALJ ALLEN: On the record.

26 Ms. Kelly.

27 MS. KELLY: Thank you, your Honor.

28 ///



1           Q    If you would please turn to  
2   page 135 of that document? This relates to  
3   quality assurance results in high fire threat  
4   district areas. And I assume that these  
5   types of targets are essential to comply with  
6   the condition of probation; is that correct?

7           A    I think I might frame it  
8   differently. I know that this plan -- this  
9   is the PG&E plan. And I think on probation  
10   we're asked to comply with it.

11          Q    And so here the target that PG&E  
12   has set for itself is achieving 92 percent of  
13   trees correctly worked to the EVM or drought  
14   and tree-mortality scope identified during,  
15   it's divided by all, in-scope trees reviewed  
16   through audits.

17                So basically you're saying --

18          MS. GROVE: Can you show her what  
19   you're identifying, what you're addressing?  
20   BY MS. KELLY:

21          Q    Yes, up at the top of -- you kind  
22   of have to read it together, but at the top  
23   of 136 it talks about: What is the target?  
24   What is the quality target that PG&E needs to  
25   meet for HFTD areas? And then the bullet  
26   right before that, that's how the percentage  
27   is defined.

28          A    I am not sure I caught the

1 question.

2 Q So what this is in essence saying  
3 is PG&E has met its target if it has  
4 correctly trimmed 92 percent of its trees; is  
5 that correct?

6 A I think so, but honestly I am going  
7 to defer to my colleagues who are more  
8 knowledgeable about all of these aspects and  
9 they're on panel next.

10 Q Right. I will ask that. Thank  
11 you.

12 So, but just as a big picture  
13 matter, so you're saying that eight percent  
14 of noncompliance -- this would mean that  
15 eight percent of noncompliance with  
16 appropriate tree trimming is considered  
17 compliance under this plan?

18 A I don't know that to be accurate,  
19 but again I am going to defer to the experts  
20 on this.

21 Q And since it is a condition of  
22 probation, did you check how -- whether this  
23 is consistent with industry standards?

24 A I don't know the answer to that.

25 Q And would the panel after this know  
26 the answer to that?

27 A I don't know the answer to that  
28 either. But I think they're better people to

1 ask. This is -- this requires in-depth  
2 expertise about wildfire mitigation that I  
3 simply don't have in my role.

4 Q And similarly there was -- my  
5 understanding that there was representation  
6 to Judge Alsup's court that there are  
7 approximately 1,000 trees per mile in PG&E's  
8 service territory; is that correct?

9 MS. GROVE: Objection, your Honor. We  
10 have a panel testifying after, who are  
11 subject matter experts in this area.

12 ALJ ALLEN: Overruled. If the witness  
13 knows the answer, she can answer. She's so  
14 far been very good at deferring questions to  
15 the panel.

16 THE WITNESS: Can you repeat the  
17 question or read it back please?

18 BY MS. KELLY:

19 Q Yes. Approximately how many trees  
20 per mile are there in PG&E's high threat fire  
21 district? And this does not need to be  
22 specific, just a ballpark.

23 A I don't know the answer to it.

24 MS. KELLY: Your Honor, may I move my  
25 set of questions to the subject matter  
26 experts?

27 ALJ ALLEN: Sure.

28 BY MS. KELLY:

1           Q    So, just so we don't end up in a  
2   loop, where I had missed questions with you  
3   and we end up with another set of witnesses,  
4   would you -- I had identified as a -- that I  
5   would refer to one of TURN's exhibits in  
6   their testimony, the monitor letter. This is  
7   identified in PG&E's testimony in its  
8   attachments, Attachment F.

9           MS. GROVE: I don't think that was an  
10   attachment to PG&E's testimony.

11          MS. KELLY: To TURN's testimony.

12          ALJ ALLEN: Off the record.

13                (Off the record.)

14          ALJ ALLEN: On the record.

15                Ms. Kelly.

16          MS. KELLY: Thank you, your Honor.

17          Q    Turning to the monitor letter that  
18   had been attached to TURN's testimony as an  
19   appendix, so could you read the third  
20   paragraph under "Background" on page -- it's  
21   page 18 of the letter and page I believe 117  
22   of the Bates numbering at the bottom.

23          A    Is that the paragraph beginning --

24          ALJ ALLEN: Hold on a second. Before  
25   we do that, is that the paragraph that  
26   starts, "In summary, the monitor team's  
27   inspections are generating significant  
28   actionable findings for PG&E," et cetera?

1 MS. KELLY: Yes.

2 ALJ ALLEN: Okay. Let's not  
3 necessarily have her read that out loud.  
4 Have her read it to herself and if you have  
5 questions, go ahead with those.

6 Do you have that paragraph?

7 THE WITNESS: I do have it, yes.

8 ALJ ALLEN: Go ahead and read it to  
9 yourself.

10 THE WITNESS: Okay.

11 BY MS. KELLY:

12 Q So what that letter found was that  
13 individual trees had been missed and  
14 significant gaps in processes, including  
15 systemic recordkeeping differences; is that  
16 correct?

17 A That is what this paragraph says in  
18 part.

19 Q And then in the next section it  
20 talks about the number of exceptions per  
21 mile. Do you see that?

22 A Yes.

23 Q And it says that "the monitor team  
24 found an average of 61.32 exceptions per  
25 mile."

26 MS. GROVE: Objection. The documents  
27 speaks for itself.

28 ALJ ALLEN: Foundational. Overruled.

1 THE WITNESS: I see that.

2 BY MS. KELLY:

3 Q So subject to check, that would be  
4 one exception tree every 86 feet?

5 ALJ ALLEN: Just a general thing for  
6 all counsel, I don't like questions "subject  
7 to check" because it's never clear to me who  
8 is checking or how it will be checked when we  
9 come back here.

10 So lay your foundation, ask your  
11 question and keep going, Ms. Kelly.

12 BY MS. KELLY:

13 Q Thank you. Okay. So based on my  
14 calculation, that means it would be one  
15 exception every 86 feet for any mile that had  
16 already been worked. Is that considered  
17 compliance under PG&E's plan? ]

18 A So I'm not sure about the  
19 calculation. I think what I can tell you is  
20 that when PG&E received this letter from the  
21 monitor, which it did not receive directly,  
22 it went to the court, but we were in the  
23 meantime in conversations with the monitor  
24 about a number of issues related to our veg  
25 management program and the work that they  
26 were doing. We took all of these findings  
27 extremely seriously.

28 In fact, many of them we had become

1     aware of ourselves and were already working  
2     on. We also sat down with them immediately.  
3     I was part of that, but also the team of  
4     experts who oversaw the wildfire mitigation  
5     program, safety program, and really went  
6     through in detail to determine how we could  
7     improve what they had raised, so it was very  
8     important to us. And we did take a number of  
9     steps.

10           ALJ ALLEN: Ms. Kane, I think it was a  
11     yes-or-no question.

12           THE WITNESS: Can someone repeat the  
13     question.

14           ALJ ALLEN: I think you were asking if  
15     that was substantial compliance?

16     BY MS. KELLY:

17           Q     Yes; is that compliance?

18           A     It may be substantial compliance.  
19     It doesn't look like it's perfect compliance.

20           Q     So substantial compliance would  
21     mean that one tree every 60 feet in a high --  
22     of tree exceptions in a high --

23           ALJ ALLEN: Instead of doing the math,  
24     why don't you just use the actual numbers  
25     that are here.

26           MS. KELLY: Okay.

27           ALJ ALLEN: That way she doesn't have  
28     to calculate and figure out whether you've

1 done your division properly.

2 MS. KELLY: Right. Thank you, your  
3 Honor.

4 Q So you were saying that 61.32  
5 exceptions per mile is substantial  
6 compliance?

7 A I actually don't know the answer to  
8 that. What I can tell you is that we aren't  
9 in perfect compliance. I believe the company  
10 takes the position we are in substantial  
11 compliance with aspects of the Wildfire  
12 Safety Program and we are working to improve  
13 all the time.

14 Q I think I'm confused. So who  
15 defines what is substantial compliance?

16 A All I can tell you is I do not. I  
17 think the company -- people working with the  
18 people on the team who do this work,  
19 discussions with the CPUC and others but  
20 it's -- part of why I'm struggling here is  
21 that I'm the chief ethics and compliance  
22 officer and you're asking me a lot of  
23 detailed questions including numeric  
24 calculations about the Wildfire Safety  
25 Program and I'm just not the right person to  
26 answer that.

27 Q Okay. So you are not the right  
28 person to ask about how substantial



1 compliance is defined for purposes of  
2 oversight by the federal monitor; is that  
3 correct?

4 A No, that's not what I said.

5 Q So is the answer yes?

6 A I've been trying to explain myself.  
7 Clearly I'm not satisfying you. There are  
8 people who are expert in aspects of our  
9 Wildfire Safety Program, whether it's -- and  
10 specific regulatory requirements and I am not  
11 that expert.

12 Of course we are seeking to comply  
13 fully as required by our probation. Nothing  
14 is more important than that from where I sit,  
15 other than safety, which is the most  
16 important thing, and that's what we're  
17 striving to do. We have a number of experts  
18 in the company, really many, many who do this  
19 work and seek to deliver it. We can't  
20 certify perfect compliance. We believe we're  
21 in substantial compliance and I'm just not  
22 the wildfire safety expert.

23 ALJ ALLEN: Ms. Kelly, let's do a time  
24 check. Do you have more on this specific  
25 line of questioning or do you have other  
26 questions?

27 MS. KELLY: That is actually the extent  
28 of -- actually I have -- so I have one last

1 question.

2 Q Let's say that PG&E assigns --  
3 determines that substantial compliance is  
4 like getting a C or a D in a class instead of  
5 an A. An A would be perfect compliance and a  
6 C or a D is substantial compliance. So --

7 You know, no further questions,  
8 Your Honor. I'll leave that there.

9 ALJ ALLEN: Thank you, Ms. Kelly.

10 I believe we have Mr. Abrams.  
11 Mr. Abrams, go ahead.

12 MR. ABRAMS: Thank you, your Honor.

13 CROSS-EXAMINATION

14 BY MR. ABRAMS:

15 Q Thank you, Ms. Kane.

16 A Good morning.

17 Q Good morning. I have some  
18 questions for you and I want you to keep me  
19 honest in terms of my questions in terms of  
20 what is your area of responsibility. Can you  
21 give me a sense in terms of employees, the  
22 board, what's the scope of your oversight in  
23 terms of ethical responsibilities?

24 A So as the leader in the company  
25 responsible for the compliance and ethics  
26 program, I oversee from the corporate part of  
27 the organization the strategy and design of  
28 the program. So, that would be things like

1 the Code of Conduct, for example, which is  
2 sort of the bible for purposes of the  
3 compliance and ethics program.

4 And then pursuant to the federal  
5 sentencing guidelines, which is how  
6 organizations typically define an effective  
7 ethics and compliance program flowing from  
8 that, we follow the seven or eight elements  
9 in the federal sentencing guidelines that are  
10 set that the Department of Justice uses to  
11 look at whether or not your program is  
12 effective.

13 And so that's things like a Code of  
14 Conduct -- some of this I mentioned  
15 earlier -- senior leadership of the program,  
16 training and communications on the program,  
17 auditing and monitoring of certain compliance  
18 and ethics matters, and then investigations  
19 and discipline and enforcement as  
20 appropriate. I may have missed one in there.

21 Q Okay.

22 A But that's the basic overview. And  
23 then what we do is work in a matrixed way to  
24 ensure that each of the lines of business,  
25 which I mentioned earlier, things like gas  
26 operations or electric operations, are  
27 developing their own program consistent with  
28 the corporate guidance and advancing their

1 work in that regard.

2 Q Thank you for that explanation. So  
3 it was asked before and I just clarified  
4 before that you started your role in 2015; is  
5 that correct?

6 A Yes.

7 Q And as the chief ethics officer,  
8 how do you assess the ethical position of the  
9 company since you've come on board?

10 A So I think my goal is to be forward  
11 looking in this work and understand where the  
12 company is and look for opportunities where  
13 we can improve and so I'll give you a  
14 specific example.

15 One of the things we work very  
16 actively on at PG&E is our Speak Up, Listen  
17 Up, Follow Up culture. We want to be sure  
18 people are raising issues. And then we need  
19 to be sure, when they do, that management is  
20 listening and following up.

21 Q Okay.

22 A And so that's an area where we are  
23 working on improvement and continue to  
24 improve and need to continue to work on that.

25 Q I appreciate the forward looking.  
26 I, myself, am also trying to be forward  
27 looking after the wildfires. However, I  
28 think it's important to look back as well and

1     that's sort of where my question is.

2                 So from 2015 and when you came on  
3     to today, given all the wildfires, given all  
4     of the criminal activity, how would you  
5     assess the ethics of PG&E over that time  
6     period, not forward looking?

7                 A     From 2015 to the present?

8                 Q     Yes.

9                 A     So I think I mean we have in the  
10    record the San Bruno conviction. Clearly  
11    that was watershed for PG&E. What I will  
12    tell you, though, is that in the nearly five  
13    years that I have been with the company, I  
14    think there is an absolute deep commitment to  
15    improving our compliance and ethics culture.  
16    That's what I was hired to do and that's what  
17    we're working on. So I would say we're  
18    definitely improving and deeply committed.

19                Q     Okay.

20                ALJ ALLEN: I think I take that as an  
21    answer to your question that she found room  
22    for improvement.

23                MR. ABRAMS: I'm gathering that too,  
24    your Honor. Thank you.

25                Q     So, you know, in preparation for  
26    this hearing, I looked over the Code of  
27    Conduct the best I could.

28                A     Uh-huh.

1           Q    Is it under your purview both the  
2 Employee Code of Conduct and there's a  
3 Supplier Code of Conduct and a Director Code  
4 of Conduct, are all of those Code of Conducts  
5 under your purview?

6           A    The Employee Code of Conduct and  
7 the Director Code of Conduct, yes; the  
8 Supplier Code of Conduct is technically owned  
9 and implemented by our sourcing organization,  
10 supply chain, but we stay closely connected  
11 on that. We want to be sure our contractors  
12 are behaving ethically and in compliance with  
13 requirements as well.

14          Q    So, I'm not sure in my review of  
15 the manual that I was able to get on line  
16 whether it's the most up to date, but it was  
17 about 40 pages and I think it was a few years  
18 old. Is that the latest?

19          A    Probably without knowing exactly  
20 what you looked at, that probably is the  
21 latest, yes.

22          Q    And then, you know, as an exhibit  
23 that I put forward, I think it's X-10, I put  
24 forward the Director's Code of Conduct.

25          ALJ ALLEN: Mr. Abrams, hold on. Has  
26 that already been identified?

27          MR. ABRAMS: Yes, I put that forward,  
28 yes, X-10, I believe.

1           ALJ ALLEN:   Okay.   I think it doesn't  
2   seem to have been marked for the record yet.  
3   Let's make sure it's clear for the record.  
4   This is exhibit cover page OII on PG&E  
5   Bankruptcy, Abrams Cross-Examination Exhibit  
6   Director Code of Conduct, that's marked as  
7   Exhibit Abrams-X-10.

8                       (Exhibit No. Abrams-X-10 was marked  
9                       for identification.)

10           ALJ ALLEN:   Thank you.   Go ahead,  
11   Mr. Abrams.

12           MR. ABRAMS:   Thank you, your Honor.

13           THE WITNESS:   I don't think I have that  
14   up here.   I know you handed that to me  
15   earlier.

16           ALJ ALLEN:   Off the record.

17                       (Off the record.)

18           ALJ ALLEN:   On the record.

19                       Go ahead, Mr. Abrams.

20           MR. ABRAMS:   Thank you.

21           Q    So in looking over the Employee  
22   Code of Conduct as we described earlier, you  
23   know --

24           ALJ ALLEN:   Actually, Mr. Abrams, just  
25   so I'm clear, this is the Director Code of  
26   Conduct; is that correct?

27           MR. ABRAMS:   That's correct, your  
28   Honor.

1 ALJ ALLEN: Okay.

2 BY MR. ABRAMS:

3 Q So as I looked through the Employee  
4 Code of Conduct. I understood it was a  
5 fairly meaty 40-page document. As I look at  
6 this Director Code of Conduct, you know, I  
7 think it's about 10 pages, each page is sort  
8 of cut in half here, but it's substantially  
9 smaller in size and less weighty, less  
10 specific in terms of what ethical standards  
11 are for directors.

12 Can you help explain why there  
13 would be such a focus and have such a lengthy  
14 document for the employees but that the  
15 Director Code of Conduct is more loosely  
16 defined and more pithy?

17 A I don't know about pithy, but  
18 anyhow. Let me try to explain what we have  
19 here. The Director Code of Conduct is indeed  
20 somewhat more truncated than the Employee  
21 Code of Conduct, in part because some of the  
22 obligations that are in place have -- are not  
23 necessarily applicable to our directors and  
24 so we chose to have a separate Code of  
25 Conduct for the directors.

26 That said, we are also looking at  
27 merging the Codes of Conduct going forward  
28 and that is a conversation that is underway



1 with the board. We've done a bunch of  
2 benchmarking on this issue and companies --  
3 and it's about 60/40 last time we checked, 60  
4 with a single code and about 40 or maybe  
5 around there having separate codes and there  
6 are pros and cons to each of those.

7 But what I can tell you, for  
8 example, is I had mentioned training earlier  
9 as an element of an effective compliance  
10 program, so the web-based training on  
11 compliance and ethics that every employee in  
12 our company takes each year. Our board, for  
13 example, is going to be taking that this  
14 year.

15 So there's a lot behind this  
16 Director Code that isn't reflected in this  
17 document.

18 Q Do you think victims might feel a  
19 little more confident in the ethics of PG&E  
20 if there was more detail through the Plan of  
21 Reorganization that perhaps some of the work  
22 that you just described in terms of a focus  
23 on ethics would be really baked into the Plan  
24 of Reorganization so there would be a  
25 confidence that coming out of this  
26 reorganization process that you would be more  
27 ethically minded?

28 A I can't say what victims might

1     feel.  What I can tell you is we are deeply  
2     committed to having an ethical culture at  
3     PG&E, whether on the part of our board or  
4     suppliers as we mentioned earlier, and that's  
5     a big part of what I spend my time doing.

6           Q     Given that the Plan of  
7     Reorganization that we're asked to  
8     cross-examine you on is a moving target and  
9     not complete yet, are you considering  
10    incorporating that into the current Plan of  
11    Reorganization?

12          A     Are we considering incorporating a  
13    more expensive Director Code?

14          Q     So you mentioned a number of  
15    improvements that you're looking at in terms  
16    of the Code of Ethics and perhaps merging  
17    these documents and providing more  
18    specificity and more equal footing across the  
19    board for the organization.

20                Those types of improvements would  
21    you consider having that incorporated into  
22    the Plan of Reorganization so that victims  
23    and other stakeholders might be a little more  
24    understanding regarding how this is going to  
25    shape up moving forward?

26          A     It's actually not something I have  
27    contemplated.  I don't know that others are.  
28    I think what's most important is that the

1 Code of Conduct for all employees exists, as  
2 well as the plan, is something that we ask  
3 them to focus on. It's something we hold  
4 them accountable to. And I think that's the  
5 most -- and same for the Director Code, same  
6 for the Supplier Code.

7 I think those are the most  
8 important things and those are the best ways  
9 for us to signal not only the victims, but  
10 all of our stakeholders that we take this  
11 very seriously and are going to continue to  
12 work on it.

13 Q So in another proceeding before the  
14 CPUC, Richard Kelly -- I guess he's the  
15 former chair of the board -- presented in  
16 that room and indicated that the safety  
17 culture was difficult to get to the employee  
18 level but felt confident -- and I'm  
19 paraphrasing, you can state it how you'd  
20 like -- but that the corporate culture at the  
21 top, at the board level, was very solid in  
22 terms of that safety culture but driving it  
23 to the employee level was difficult.

24 Can you, I guess, talk to that in  
25 reference to what we just described, that  
26 there aren't as many stringent safety  
27 requirements or ties to safety or ethical  
28 constraints in documented language for the

1 directors, but more at the employee seems to  
2 be counter to what Richard Kelly perhaps  
3 presented to the Commission.

4 MS. GROVE: Objection, lacks  
5 foundation, and object to form. I got a bit  
6 lost in the question.

7 ALJ ALLEN: I'll sustain it as somewhat  
8 compound. If you could kind of rephrase that  
9 more concisely, Mr. Abrams.

10 MR. ABRAMS: Sure.

11 Q So there was a North Star Report  
12 that came out about PG&E. Richard Kelly was  
13 looking to assess who would make up the board  
14 of PG&E. There was an expression that  
15 driving the strong safety culture of PG&E  
16 down to the employee level was really the  
17 stumbling block and that the, as the review  
18 stated, that the safety culture at the top  
19 was very solid.

20 I guess what I'm trying to  
21 understand is that because of some other  
22 foundational document that isn't here or --  
23 explain why there's --

24 ALJ ALLEN: Here, let me try this a  
25 different way if I can.

26 MR. ABRAMS: Thank you.

27 ALJ ALLEN: According to Mr. Kelly, if  
28 the problem is to drive the safety culture

1 and ethical culture down to the employee  
2 level, is it consistent to have a smaller  
3 Code of Conduct for the directors than the  
4 employees?

5 Is that close enough?

6 MR. ABRAMS: Yes, thank you, your  
7 Honor.

8 THE WITNESS: My view is that the  
9 Director Code of Conduct as it currently  
10 exists does the trick, and I want to be  
11 sure -- I'm trying to answer your question.  
12 I also have the view that our directors, and  
13 in my view our employee population at large,  
14 are deeply committed to a safety culture and  
15 an ethical culture. And I think the Codes of  
16 Conduct, whether one or two, are vehicles by  
17 which we advance that.

18 That said, a Code of Conduct is  
19 mostly -- mostly relates -- it certainly, as  
20 you can see on --

21 ALJ ALLEN: Tell you what, let's not go  
22 too far into the weeds here.

23 THE WITNESS: Okay.

24 ALJ ALLEN: I think this is a point you  
25 can make in your brief that the Director Code  
26 of Conduct is shorter than the Employee Code  
27 of Conduct.

28 MR. ABRAMS: Yes.

1           ALJ ALLEN: And you can use that to  
2 make whatever argument you want. I think  
3 they may have a counter argument, but go  
4 ahead with your next question, Mr. Abrams.

5           MR. ABRAMS: Thank you, your Honor, I  
6 will do that.

7           Q You know, I'll come back to that  
8 question at the end after my questions to see  
9 if perhaps you would contemplate including it  
10 in the Plan of Reorganization, but I'll move  
11 on to my next question here.

12                   In February 2020, you reported that  
13 two employees and a possible contractor were  
14 found to have committed fraud. This was Bay  
15 Area Concrete Recycling. Can you go into how  
16 PG&E responded to the situation and what  
17 corrective actions were taken.

18           A So here I have to take some care  
19 because our internal investigation is  
20 underway.

21           Q Uh-huh.

22           A It is also a privileged and  
23 confidential investigation, so I do want to  
24 be careful. For that reason, there's only so  
25 much I can say; however, there's also some  
26 information that is publicly available  
27 because we did issue a letter to -- Bill  
28 Johnson sent a letter to our employees about

1 a general overview of what was happening.

2 So I'm just going to think  
3 carefully to be sure I don't go astray. We  
4 had a relationship with Bay Area Concrete.  
5 We have now terminated that contractual  
6 relationship. They were engaged in some  
7 improper conduct in work that they were  
8 doing, which was removing spoils and hauling  
9 them.

10 It is also our view that two of our  
11 employees were part of the problematic  
12 behavior and they are no longer with the  
13 company. I don't think at this point,  
14 because the investigation is ongoing, that I  
15 can go much further than that.

16 Q Okay. Understood. Thank you.  
17 Also in those public statements -- and I just  
18 want to confirm this, that there was --  
19 Mr. Johnson stated that there were large sums  
20 of money that had been paid to these two  
21 employees; is that correct?

22 A We believe improper payments were  
23 made from Bay Area Concrete to the employees  
24 or other activities in kind.

25 Q Did PG&E take these steps before  
26 this came out publicly or did they take these  
27 steps to terminate the employees and to end  
28 the contract with this company after it went

1 public?

2 A PG&E became aware of these issues  
3 because of complaints that we had received,  
4 another good example is when the ethics and  
5 compliance program is working, how it can  
6 really work well.

7 So, we received some complaints  
8 about these issues, undertook an  
9 investigation, made a determination that we  
10 needed to terminate this relationship with  
11 Bay Area Concrete and then Mr. Johnson wrote  
12 the letter to employees. So, this was done  
13 at our initiative because of complaints we  
14 had received.

15 I should also mention at this point  
16 that this is something we have notified our  
17 probation officer of, shared with the  
18 monitor, and speak to the monitor with some  
19 regularity about.

20 Q Great. Great. Thank you. In  
21 October 2019, it was reported that there was  
22 systematic falsification of documents and  
23 PG&E has received a fine of this. I believe  
24 it's \$65 million from the CPUC regarding this  
25 falsification of documents; is that correct?

26 A Did you say October 2019, sir?

27 Q I did. Is that --

28 A No, I'm just checking. I wasn't



1       sure I caught that.

2               Q     Yes, sorry.

3               A     I think you may be referencing the  
4       Locate and Mark OII resolution; is that  
5       correct?

6               Q     I think that's correct.

7               A     So that was the initial -- that was  
8       the initial settlement amount. It was since  
9       increased.

10              Q     Okay. In this case, were you  
11       taking -- well, let me just say what  
12       corrective actions did you take associated  
13       with that incident?

14              A     So we've taken excessive corrective  
15       action in response to Locate and Mark. Those  
16       actions take a number of forms. Again, part  
17       of our goal is to have an effective ethics  
18       and compliance program. So, we have used  
19       what we learned from Locate and Mark and  
20       training of employees, some web-based, some  
21       live.

22                    We have undertaken significant  
23       remedial measures to ensure -- well, to  
24       improve the Locate and Mark program itself,  
25       improving the technology, training of  
26       employees, hiring more locators, things of  
27       that sort.

28                    And then in addition in the

1 training and discussions about Locate and  
2 Mark, we're using this as an example to,  
3 again, re-emphasize to people the importance  
4 of our Speak Up, Listen Up and Follow Up  
5 program so that people continue to feel safe  
6 raising issues and we address them when they  
7 are raised. I think that's the best way I  
8 can answer that.

9 Q And were you taking these  
10 corrections to these falsified documents and  
11 what transpired with the falsified documents  
12 before it became public or once it became  
13 public?

14 A I'm struggling a little with the  
15 when-it-became-public piece of the question,  
16 but we undertook corrective actions from my  
17 standpoint, certainly at the time I became  
18 involved in this matter corrective actions  
19 were being taken.

20 I had mentioned earlier that there  
21 was an investigation. We had hired a third  
22 party to investigate this matter. As we were  
23 learning about what was going on in the  
24 Locate and Mark program, through that  
25 investigation, but also in our own work there  
26 was a special attention review at some point  
27 what we call in PG&E parlance a SAR.

28 ALJ ALLEN: Actually, I'm very familiar

1 with this one. From my understanding of the  
2 record of this case, PG&E started taking  
3 steps before it became public, but was  
4 continued to do other steps later. So it was  
5 an ongoing thing, but the initial steps, I  
6 believe, happened before it was public based  
7 on information that PG&E received from both  
8 the Commission's Safety and Enforcement  
9 Division and the Pipeline Hazardous Materials  
10 Safety Administration.

11 I believe those occurred before it  
12 got any significant publicity. Is that  
13 consistent with your recollection, Ms. Kane?

14 THE WITNESS: That sounds generally  
15 consistent.

16 ALJ ALLEN: And there is some record of  
17 this in the Commission decision on that  
18 Locate and Mark.

19 MR. ABRAMS: Thank you, your Honor.

20 Q In preparation for this, were you  
21 familiar with Mr. Johnson's testimony earlier  
22 last week?

23 A I saw a summary of it.

24 Q So in that testimony, I asked him  
25 about when he would or would not have the  
26 company acknowledge an incident, I used as an  
27 example the Kincade Fire, whether you would  
28 wait to have clear evidence come forward

1 before the company would sort of take  
2 ownership for in part or all of those types  
3 of incidents. In response to that, he  
4 stated:

5                   Those discussions are in  
6                   fact bound by SEC  
7                   disclosure and gap  
8                   accounting. When you  
9                   have a situation, and I'm  
10                  not an accountant, that  
11                  is likely versus probable  
12                  versus possible, it all  
13                  requires different  
14                  disclosures in both your  
15                  SEC and in your  
16                  accounting.

17                  Is that statement in keeping with  
18                  the Code of Ethics, are employees asked to,  
19                  when they see a problem or find out that  
20                  something has caused a safety issue, are they  
21                  to consider SEC disclosures? Are they, you  
22                  know, is that their foundation for when  
23                  something is ethical to report or not?     ]

24                  A     I'm going to take my best stab at  
25                  this. I think with respect to rank and file  
26                  employees, what we really want to have happen  
27                  is that they raise issues when they come up  
28                  on them.

1                   Considerations about SEC  
2 disclosures and the like, I don't think an  
3 employee in the field or most people even  
4 behind a desk are equipped to deal with.

5                   And so there are other people in  
6 the company who are expert on that and will  
7 make decisions about whether or not something  
8 is appropriate or required for disclosure. I  
9 think that's the best way I can answer your  
10 question.

11               Q     Thank you. So to what degree as  
12 the chief ethics officer do you see that as a  
13 problem?

14                   In other words, an employee comes  
15 and feels that something is very unethical or  
16 a safety hazard and reports that to the  
17 Board. And the Board in turn looks to make  
18 sure whether it's a SEC disclosure or  
19 shouldn't be and makes an ethical  
20 determination along those lines.

21                   How does that get remedied where an  
22 employee says, "This is an ethical issue.  
23 I've read my Code of Conduct. I'm reporting  
24 it. It's a safety issue. I'm concerned for  
25 my employees. I'm concerned for the public  
26 welfare."

27                   And then the Board gets it and  
28 says, "Well, this is not something that's

1 disclosed. You know, it doesn't rise to  
2 the level where I feel it needs to be  
3 disclosed. So we're not going to let that  
4 out."

5 How do you get through that as a  
6 ethics officer?

7 A So typically these things aren't in  
8 front of the Board. It's not as though  
9 frequently employees walk to the Board and  
10 say, "I have an issue I want you to look at."

11 So typically what will happen is an  
12 employee raises an issue through one of our  
13 multiple avenues for reporting. Again, an  
14 element of an effective compliance. They can  
15 call a help line, they can raise it with a  
16 compliance and ethics persons, security, HR,  
17 their supervisor, the monitor help line, and  
18 we investigate it.

19 And we investigate all allegations  
20 of misconduct. And then we make the  
21 determination about what to do in some cases.  
22 And we do with some regular frequency give  
23 cumulative reporting to our Board about  
24 incidents. We also raise certain matters  
25 that seem like they are or maybe significant  
26 to their attention directly. And then if an  
27 issue is also something that perhaps should  
28 be brought to the attention of authorities,

1 we do that always hopefully as required by  
2 law and sometimes in other cases.

3 So for example under probation, we  
4 report certain investigations -- most  
5 investigations actually to our monitor and  
6 frequently to our probation officer if it  
7 meets one of the elements of what's required  
8 to be reported.

9 Then there's all the SEC stuff you  
10 mentioned, and that's a whole other train.  
11 So there's a lot of consideration in  
12 reporting that goes on.

13 Q Right. So I'm -- let me try to ask  
14 this a different way. The company sees a  
15 jumper that has gone awry. They see C hooks  
16 that are in disrepair. They feel like this  
17 is an ethical problem. They're concerned  
18 about their neighbors. They've reported it  
19 up through the very communication pathways  
20 that you described. It lands on the  
21 executive's desk.

22 They say, "You know what? This is  
23 not something that needs to be disclosed."

24 What happens? What do you do?  
25 It's a problem for the public. It's a safety  
26 concern. What do you do with that ethically?

27 A I mean, I think our foreman's job  
28 is to make the system safe. That's the most

1 important thing. So if an employee's raising  
2 an issue about a safety matter, what has to  
3 happen first and foremost regardless of what  
4 disclosures are required or made is that we  
5 take the steps from an operational standpoint  
6 to address the issue.

7 There were hypothetical parts of  
8 the disclosure. And so I think -- I'm trying  
9 to bring it back down to brass tacks, which  
10 is it's our job to run a safe system. And if  
11 people are raising issues about it, we have  
12 to address them whether it's through an  
13 investigation or an operational phase.

14 Q So --

15 ALJ ALLEN: Mr. Abrams, let me  
16 interject a couple of things. One of them is  
17 I think in a moment we'll take a recess. I  
18 think there's a distinction. I'm not sure if  
19 you're trying to raise it or if you're not  
20 clear on it. But that there's distinction  
21 between what an employee's duty is to report  
22 to their management versus what a public  
23 corporation's reporting duty is to report to  
24 the public. And those are in fact different  
25 things, and I think most of us want them to  
26 be different things.

27 Certainly if an employee believes  
28 that the company has not adequately disclosed



1     that this is when you end up with a  
2     whistleblower situation. But there is a very  
3     different level of what's most appropriate  
4     for the employee to report to their  
5     management or safety officer or with the  
6     Board of Directors or whatever their  
7     structure is. And what a publicly-traded  
8     corporation can and should disclose to the  
9     public.

10                 So that mismatch I don't see as  
11     necessarily a problem. If in fact the  
12     employee believes that the corporation hasn't  
13     handled it properly, then you have your  
14     classic whistleblower situation.

15                 MR. ABRAMS: Appreciate that  
16     explanation. And I'm not an attorney so I  
17     always appreciate legal explanations around  
18     things that I'm not aware of.

19                 You know, my question is really  
20     around the ethical implications of this for  
21     the public.

22                 ALJ ALLEN: I'll tell you what. Let's  
23     -- if you want to revisit this, why don't we  
24     take our morning break. Let's do 15 minutes.  
25     We'll be back at 10:40 by the clock on the  
26     wall.

27                         Off the record.

28                         (Off the record.)

1 ALJ ALLEN: On the record.

2 Mr. Abrams?

3 BY MR. ABRAMS:

4 Q Thank you, your Honor.

5 Ms. Kane, I just wanted to, I  
6 guess, continue where we left off before the  
7 break and try to get at, sort of, how what we  
8 just discussed translates to the public who  
9 are living beneath the PG&E lines. So that  
10 is what I'm trying to get at.

11 So there's a structural issue with  
12 component parts in a section of lines that  
13 are over a particular neighborhood. That  
14 information is reported up through the chain,  
15 through the communication paths that you've  
16 just mentioned. It lands on the executive's  
17 desk.

18 What are their decision criteria?  
19 What are their ethical decision criteria for  
20 alerting the public as to a safety risk that  
21 would be over their heads?

22 A So I'm not sure I'm the best person  
23 to answer this. But if there's a safety  
24 issue on a piece of equipment, PG&E has the  
25 responsibility for trying to determine what  
26 the issue is and to address it.

27 In addition, certain things are  
28 required to be self-reported to this

1 Commission or perhaps to others, and so we  
2 have an obligation to do that. And I think  
3 those are the basic obligations.

4 But in any given scenario, things  
5 may vary; right? Is something an emergency?  
6 Is it in fact routine work that has to be  
7 done? And all kinds of calculations have to  
8 go into these things. So without knowing the  
9 exact specifics of any given situation, I  
10 don't know the answer to that.

11 Then in addition, again, I'm going  
12 to have to defer to people who are engineers  
13 and experts on what is safe on our lines.

14 ALJ ALLEN: Excuse me, Ms. Kane. I  
15 think he asked a fairly specific question  
16 which was what was the ethical criteria in  
17 the situation?

18 And so I understand that there's  
19 different engineering and accounting things.  
20 But his question was what is the ethical  
21 criteria to be applied.

22 THE WITNESS: Thank you for the  
23 clarification, your Honor.

24 I think the ethical obligation is to  
25 comply with what is required of the company  
26 at the very least and perhaps more. I am  
27 sorry.

28 BY MR. ABRAMS:

1           Q    I interrupted you.  I am sorry.  Go  
2 ahead.

3           A    Yeah.  I think the ethical  
4 obligation is to comply with what is  
5 required.  And then perhaps there are other  
6 considerations.

7           ALJ ALLEN:  What would those other  
8 ethical considerations be?

9           THE WITNESS:  So I'm in a hypothetical  
10 realm here, your Honor.  But for example:  
11 Has the person who raised the issue done so  
12 with an expectation of confidentiality?  Is  
13 it an investigation perhaps already underway?  
14 Have we notified the people who need to be  
15 notified?  Is there imminent threat of harm?  
16 I think there are a number of factors that go  
17 into kind of this decision-making.  Are we  
18 going to -- are we going to undermine the  
19 integrity of an investigation by going public  
20 before we should?  Things of that sort.

21                So there are a number of factors  
22 that get considered in any given situation.  
23 But first and foremost, again, always safety  
24 is the leading consideration in any matter  
25 being reported or raised.  And then secondly,  
26 what are we doing to comply with the  
27 requirements?

28           ALJ ALLEN:  Thank you.

1                   Go ahead, Mr. Abrams.

2       BY MR. ABRAMS:

3               Q     The reason why I'm trying to get  
4     more granular here is I want to make sure  
5     that this rings true for you is that  
6     customers have been hearing safety first for  
7     a very long time from PG&E throughout all the  
8     fires, throughout all of the incidences. And  
9     so getting more specific I think will help  
10    build confidence. So to that point, if you  
11    can, please try to be a little more specific.

12               Mr. Johnson's testimony said that  
13    for his reporting purposes, he's going to  
14    affect whether it's likely, it's probable, or  
15    it's possible.

16               So if someone comes to you or a  
17    reliable source within the organization says,  
18    "There's a 10 percent chance within the next  
19    year that this stretch of 15 miles of line is  
20    going to cause a fire." What are your  
21    ethical considerations of letting the public  
22    know that that is a safety risk?

23               A     So a couple of things about this.  
24    I'm going to do my best. I think -- I did  
25    not read the transcript of Mr. Johnson's  
26    testimony. But I think these references to  
27    probable, likely, reasonably, possible,  
28    whatever they are. I think in that respect,

1 he was referring to directly to securities  
2 laws, which govern what the company is  
3 required to disclose under securities laws.

4 Q Correct.

5 A And I think you're asking me what  
6 other considerations are brought to bear on  
7 decision-making? Is that it?

8 Q It's just -- you know, I am sorry.  
9 This is a question that I've asked for  
10 multiple executives. And the problem is is I  
11 think -- what I'm trying to articulate is  
12 that PG&E has tried to represent themselves  
13 as a forward looking, as you described,  
14 ethical corporation. And so, you know, for a  
15 regular citizen, ethics isn't how many laws I  
16 broke. Or what is the laws? What -- I'm a  
17 ethical good citizen.

18 So to be a good corporate citizen,  
19 I'm trying to understand what are your  
20 ethical standards that you hold yourself to  
21 in addition to what are you obligated to  
22 disclose by law?

23 A So we're going to be truthful with  
24 our stakeholders. That's an ethical  
25 commitment. I don't think that means in  
26 every case we're going to tell the public  
27 every detail about everything that's going  
28 on.

1           As I just tried to describe to ALJ  
2 Allen, if there's an investigation underway  
3 -- as I mentioned to you with respect to Bay  
4 Area Concrete, that investigation is  
5 underway. We will undermine the integrity of  
6 that investigation if we begin communicating  
7 publicly all aspects of it potentially. And  
8 that's true in many investigations.

9           And so I think --

10          ALJ ALLEN: I think -- you haven't  
11 quite answered his question. I think the  
12 question was, as I understood it, was  
13 essentially he's looking for the difference  
14 between being ethical and complying with the  
15 law. And what additional requirements are  
16 there to be ethical as opposed to just doing  
17 what's required.

18          THE WITNESS: Yeah. So let me try  
19 again. I think being ethical requires us to  
20 tell the truth. And as we've said in many  
21 places in many times to do what we say we're  
22 going to do.

23               And so for in a scenario for example  
24 where there's an issue on an overhead line,  
25 if we say we're going to fix it because it  
26 has to be fixed because it may present a  
27 safety hazard or it's time to fix it, we have  
28 to do that. If we're going to do that, we're

1     probably also going to need to communicate  
2     with people who are impacted by it depending  
3     on what's going on.  So if somebody's going  
4     to lose power, we fix something hypothetical.

5             ALJ ALLEN:  Ms. Kane, just focusing  
6     back on his question, isn't it correct that  
7     fixing an overhead line that needs to be  
8     fixed is something that you're required to  
9     do?  And telling the truth is also something  
10    you're required to do under SEC regulations?

11            THE WITNESS:  Yes.  Definitely.

12            ALJ ALLEN:  Go ahead, Mr. Abrams.

13    BY MR. ABRAMS:

14            Q     Thank you, your Honor.

15                    There's a huge -- would you -- let  
16    me state it in a question.

17                    Would you agree there's a huge  
18    cavernous gap from what you just described,  
19    after going at this a few different ways, and  
20    what a person might expect an ethical company  
21    to do in that if you understand that the risk  
22    is 10 percent or 90 percent to those homes  
23    that are underneath those lines.  By not  
24    saying anything, you're not saying an  
25    untruth.  You're holding to your principles.  
26    "I didn't say it wasn't true."  You're  
27    truthful because you haven't said anything.  
28    And you do what you're going to do, because



1     you haven't done anything.

2                 So a neglected infrastructure that  
3     people are living under, what are your  
4     ethical responsibilities?

5                 I'll try again. What are your  
6     ethical responsibilities to the public? To  
7     your customers? Beyond what you absolutely  
8     have to say because it's in the law.

9                 MS. GROVE: Objection. Argumentative.  
10     Compound.

11                MR. ABRAMS: It is argumentative. I  
12     apologize.

13                ALJ ALLEN: Be careful of the tone in  
14     the speech. But I think at the end, he came  
15     up with a valid question. So I will overrule  
16     the objection.

17                THE WITNESS: So I don't agree with  
18     some of the characterization that led up to  
19     the question. What I think may be helpful to  
20     try to articulate here is that the public is  
21     made aware of an awful lot of information  
22     about our program.

23                There are countless filings with  
24     this Commission, filings with the federal  
25     court. There's an awful lot of information  
26     out there. Much of that information is  
27     probably really important to certain people  
28     in the public who are interested in it. And

1 we are attempting to provide all that we are  
2 required to provide. And sometimes we are  
3 raising issues that we believe ethically are  
4 important for people to know.

5 BY MR. ABRAMS:

6 Q So let me translate this into the  
7 public and ask you a question regarding  
8 public perceptions.

9 In part of your role, are you  
10 tasked with trying to communicate PG&E's  
11 ethics to its customers?

12 A Infrequently directly to customers.  
13 But derivatively, yes. Because through  
14 things like our Code of Conduct, which is  
15 publicly available, we are attempting to  
16 share our compliance and ethics commitments  
17 to the public.

18 Q Do you understand that victims,  
19 wildfire survivors -- who are becoming  
20 increasingly more prevalent in PG&E territory  
21 -- are increasingly concerned about their  
22 safety and their financials living under PG&E  
23 lines and would like to understand that PG&E  
24 coming out of reorganization has a higher  
25 standard of ethics than what is legally  
26 required for them to report?

27 A I'm not sure I know what the  
28 wildfire victims expect or feel. I do not

1 disagree with the notion that we should live  
2 up to our requirements and be an ethical  
3 company and perform ethically. As we've said  
4 before, tell the truth and do what we say  
5 we're going to do and all of those things.  
6 Absolutely. And not just coming out of  
7 bankruptcy. Now.

8 Q So I appreciate -- and I do  
9 appreciate that. You know, you don't  
10 understand what -- and neither do I  
11 understand what all victims feel. And  
12 certainly there's some disagreement there.

13 But if you had your family  
14 underneath a stretch of PG&E lines where  
15 there was a problem, if it's a 10 percent  
16 chance over the next year that your house  
17 will catch on fire because of that line,  
18 would you like as a consumer, as a customer,  
19 as a person who is looking out for their  
20 family, would you like to have a corporation  
21 telling you when incidences occur like that  
22 that are above and beyond what they are  
23 obligated to do legally? Would you like that  
24 information as a customer?

25 A I just -- I would like to clarify  
26 if possible. I feel like there were two  
27 questions in there. One is that an incident  
28 occurred. And there's a 10 percent

1 possibility that something might happen.

2 ALJ ALLEN: Let's focus on the 10  
3 percent.

4 THE WITNESS: Okay. So I think part of  
5 what's challenging me here is that things are  
6 not static. They're dynamic. And we talked  
7 a little bit about this earlier, and we have  
8 work plans and work that we're doing.

9 ALJ ALLEN: I don't think he's asking  
10 from that perspective. He was asking as a  
11 person or individual how you feel.

12 THE WITNESS: As a person or individual  
13 under a piece of PG&E equipment that had a 10  
14 percent chance of something happening, I  
15 don't actually think I would have an  
16 expectation.

17 BY MR. ABRAMS:

18 Q It wasn't something happening.  
19 Sorry. Just to clarify my point.

20 It was a 10 percent chance that  
21 your house, your house, would catch on fire  
22 in the next year. A 10 percent chance.  
23 Would you want that company as a good  
24 corporate citizen to go perhaps above and  
25 beyond the law to let you know? Would you  
26 want that as a citizen?

27 A I don't think I would have that  
28 expectation. I think we live in a very high

1 risk territory. And there are -- and what I  
2 expect is that the corporation I am a  
3 customer of will be truthful of me and do the  
4 work it needs to do.

5 Q Can you understand that victims of  
6 wildfires might not sleep too well based on  
7 that answer?

8 A I don't know the answer to that.

9 Q Well, I'd appreciate in your Plan  
10 of Reorganization that you consider those  
11 implications.

12 On page 156 of Mr. Johnson's  
13 testimony, last week he stated and I quote:

14 I am proud of a corporate  
15 culture that says we abide  
16 by the law, which is what  
17 I'm saying to you here. We  
18 abide by the law. If you  
19 want to deviate from that  
20 practice as a social norm,  
21 we're going to be in  
22 serious trouble in this  
23 country.

24 In contrast with this, PG&E  
25 attorneys February 12th stated to Judge  
26 Alsup:

27 Certification of perfect  
28 compliance with state law

1 standards would require  
2 technologically infeasible  
3 around the clock  
4 surveillance of tens of  
5 millions of trees.

6 So on the one hand, we have  
7 Mr. Johnson saying, "The law. That's it. If  
8 we don't live by that law, we're going to  
9 have serious trouble."

10 ALJ ALLEN: Let's give less  
11 characterization and focus on the question,  
12 Mr. Abrams.

13 MR. ABRAMS: Okay.

14 ALJ ALLEN: I think you've laid a  
15 foundation for a question.

16 MR. ABRAMS: I have. I hope.

17 Q So he's indicating that it's  
18 serious trouble, serious trouble, if you  
19 deviate from the norm of adhering to the law.

20 Then your attorneys go in and say,  
21 "Well, it's infeasible to be held to account  
22 to the law."

23 Then you in your prior testimony,  
24 say, "Well, substantial compliance."

25 So how do you square that? How do  
26 you square the fact that the law's the law,  
27 and we adhere by the law. That is our  
28 foundational standard. And it's infeasible?

1           A    So there is no doubt that we have  
2   committed to compliance with the law.  What  
3   we said in our filing with Judge Alsup that  
4   you are referring to, which I mentioned  
5   earlier, is that it is impossible for us to  
6   certify perfect compliance with the laws that  
7   regulate line clearance and vegetation  
8   management because of the breadth and depth  
9   of our service territory and the dynamic  
10  nature of the environment.

11                It would simply require people to  
12  be posted at each tree that is regulated for  
13  us to know that at any given moment in  
14  time -- including the day after or an hour  
15  after it was serviced potentially -- is in  
16  compliance.  That's how I parse the  
17  difference.

18           Q    So my questions are coming from a  
19  point of not being an attorney.  I'm trying  
20  to understand as a person, as a member of the  
21  public, as a customer, as a wildfire  
22  survivor, what all of these implications are.  
23  And so what are your communication  
24  responsibilities to someone who -- you know,  
25  they're pulled over for speeding by the  
26  police and say, "You know, you were  
27  speeding."

28                "Well I was partial compliance."

1 Partial compliance. Doesn't that for the  
2 regular person who has to live and considers  
3 themselves a good citizen seem like we're  
4 playing under different sets of rules that as  
5 a citizen I can't say I was partial  
6 compliance?

7 I can't hedge in that way. But it  
8 seems like I can't say, "Well, you know, it  
9 was infeasible for me to adhere to that 65  
10 miles per hour speed limit. It was  
11 infeasible."

12 I can't get away with those things.  
13 But somehow PG&E as a corporation can get  
14 away with saying that as a minimum. How do  
15 you square that in your communication with  
16 the public?

17 A I think the way we square that is  
18 to do what I said. Which is we are striving  
19 to comply fully with the requirements that  
20 apply to our corporation. We are also  
21 striving to make our customers in our service  
22 territory safe. And we are committed to  
23 doing what we say we are going to do. We  
24 want to communicate those things.

25 What I cannot unfortunately tell  
26 you is that that's going to equate in the  
27 context of -- in the context you're  
28 describing to perfect compliance with every



1     veg management requirement in our service  
2     territory for the reasons that I've tried to  
3     explain; that we have explained to Judge  
4     Alsup in a recent filing; and others have  
5     explained.

6             Q     So we're here today to talk about a  
7     Plan of Reorganization. Which, you know, by  
8     its nature is implying that there's change in  
9     course, a redoubling of efforts, a --  
10    something more to rely on than the past  
11    history that got you into bankruptcy.

12            Is there a way that you can  
13    quantify what's been said over and over again  
14    by PG&E that we're striving or committed to  
15    safety and all of that? Because part of this  
16    is trying to understand how a Plan of  
17    Reorganization is going to be relied upon,  
18    it's going to be trusted.

19            Can you have some metrics around  
20    that? Some performance metrics? Some  
21    outcomes that say, "We are going to do X, Y,  
22    or Z." And commit to that in your Plan of  
23    Organization?

24            A     So other than my appearance here  
25    today on the chapter that I sponsored, I am  
26    not deeply involved in details of the Plan of  
27    Reorganization.

28            What I can tell you is that my

1 understanding is that that is a financial  
2 document overseen by the bankruptcy court.  
3 And it is for PG&E with guidance and  
4 oversight by the CPUC and others who have  
5 authority over us to work on the issues you  
6 have raised. ]

7 Q David Pomerantz, Executive Director  
8 of the Energy Policy Institute, recently  
9 stated on November 11th in a Washington Post  
10 article that:

11 Every dollar that PG&E  
12 spends on a campaign  
13 contribution right now is  
14 one they should be spending  
15 to hasten the transition to  
16 a safer more-distributed  
17 electrical grid.

18 Would you agree with that  
19 statement?

20 MS. GROVE: Objection, relevance and  
21 lacks foundation.

22 BY MR. ABRAMS:

23 Q Let me provide that foundation.  
24 Thank you for the clarification.

25 Do you see any ethical issues with  
26 that?

27 ALJ ALLEN: Okay. Go ahead.

28 BY MR. ABRAMS:

1           Q    Do you see any ethical issues or  
2                would you agree with the ethical premise that  
3                was put forward by that statement?

4           A    I do not agree with it.

5           Q    As a monopoly organization that  
6                doesn't have competitors mostly, how do  
7                political contributions help PG&E provide  
8                safe and reliable service?

9           MS. GROVE:  Objection, relevance and  
10               beyond the scope.

11           ALJ ALLEN:  Sustained.  I think that is  
12               outside of the scope of this particular  
13               witness' testimony, unless you find a  
14               reference to it.

15                Let's do a time check.  So you're at  
16               your estimated cross time, Mr. Abrams.  How  
17               much more do you have?

18           MR. ABRAMS:  Another 10 minutes.

19           ALJ ALLEN:  Okay.  Try and concise it.

20           MR. ABRAMS:  I will try to be  
21               abbreviated.  Thank you, your Honor.

22           Q    In an October 2019 news conference,  
23                Governor Newsom stated about your safety  
24                problems and all the issues that have led you  
25                into bankruptcy:

26                It's about corporate greed  
27                needing climate change.

28                It's about decades of

1                   mismanagement. It's about  
2                   focusing on shareholders  
3                   and dividends over you and  
4                   members of the public.

5                   Do you agree with Governor Newsom's  
6                   statement?

7                   A     I do not.

8                   Q     Given that your prior statements  
9                   have been that your ethical standards, at  
10                  least at the executive level, are -- don't go  
11                  above and beyond what is legally required, if  
12                  someone made the determination that that is  
13                  not in the safety interests of Californians  
14                  to have a company managing power with that  
15                  ethical standard as their requirements, do  
16                  you think that they would be ethically  
17                  justified to perhaps not have PG&E managing  
18                  power?

19                  MS. GROVE: Objection.  
20                  Mischaracterizes testimony.

21                  ALJ ALLEN: Try something else. I will  
22                  sustain it on other grounds.

23                  BY MR. ABRAMS:

24                  Q     Let me try asking it a different  
25                  way.

26                         If there is an expectation that the  
27                         Plan of Reorganization will provide a higher  
28                         standard of safety and security than those

1     that are limited to what is required to be  
2     reported by law, if that's the standard for  
3     what California and wildfire survivors who  
4     are actually going to vote on this Plan of  
5     Reorganization, if they want a higher  
6     standard and they want a corporation who is  
7     going to report when there is a 10 percent  
8     issue that might start a fire in their home  
9     over the next year and they want that to be  
10    the standard, do you think that they should  
11    vote down this plan because you haven't  
12    stated that you would go above and beyond  
13    what is required by law?

14           A     I don't think I said we won't go  
15    beyond what is required by law. I think what  
16    I tried to say, at least, and maybe it's not  
17    clear, is that we are obliged to comply with  
18    legal requirements. And, in addition,  
19    sometimes overlapping with, probably always  
20    overlapping with, but I have to think about  
21    that, we have certain ethical standards like  
22    we're going to do what we say we're going to  
23    do; we're going to tell the truth, which is  
24    also a legal requirement, as ALJ Allen  
25    pointed out.

26                   And so it's not solely limited to  
27    compliance and I do think it's reasonable for  
28    people to expect us to behave in compliance

1 and ethically.

2 Q As the Chief Ethics Officer, how do  
3 you determine the ethical way the corporation  
4 should treat victims of your fires?

5 A So, here, these are matters that  
6 are litigated among and between parties. Of  
7 course we want wildfire victims to be paid  
8 and that's why we entered into settlements.  
9 And I think that's what drives us to ensure  
10 that victims get paid.

11 Q Let me restate the question. So  
12 I'm not sure -- let me restate.

13 So what I am asking is how you  
14 treat the victims. So certainly payment is  
15 one way to treat victims. How are you  
16 ethically-bound to treat them, the victims of  
17 fires that your company has caused?

18 A I am struggling a little bit with  
19 the question. In most cases, these are  
20 individuals who are represented by counsel.  
21 We don't have a lot of direct interaction as  
22 a result of that as customers. We need to  
23 treat them with the same high standards we  
24 treat all customers. And we have to interact  
25 with them to the extent we are, the same way  
26 we would interact with any customers which is  
27 honestly and fairly and appropriately.

28 Q Let me be more specific. Do you

1     feel like you need to treat them with  
2     empathy?

3             A     Absolutely.

4             Q     Good.  Do you think you need to  
5     treat them with respect?

6             A     Absolutely.

7             Q     Do you think those might be things  
8     that could be incorporated into a Code of  
9     Conduct that might go above and beyond the  
10    law?

11            A     I think our Code of Conduct  
12    actually does do that.  I think we have the  
13    Director Code in front of us.  I don't think  
14    we have the other code in front of us, but I  
15    think actually if you -- and I just -- if I  
16    may take a quick look at something in the  
17    Director Code which is our mission, vision  
18    and culture, in the culture statement you  
19    will see it says:

20                   We have put safety first.

21                   We are accountable.  We act  
22                   with integrity,

23                   transparency and humility.

24                   We are here to serve our  
25                   customers.

26                   And it goes on from there.  And so  
27    I think and if I may, so this is the mission,  
28    vision and culture of the corporation.  It

1 applies to all employees and guides us. It's  
2 in the Director Code but it's also in the  
3 Employee Code, so I actually do think it's  
4 incorporated.

5 ALJ ALLEN: Just a clarification. Is  
6 this the mission, vision and culture of PG&E  
7 the utility or PG&E the corporation?

8 THE WITNESS: It applies to both.

9 ALJ ALLEN: Okay. Thank you.

10 BY MR. ABRAMS:

11 Q And just I guess for the record,  
12 none of the things that I just mentioned in  
13 terms of empathy or respect are reflected in  
14 what you just read off, but I will move on.

15 A May I add something?

16 Q Sure. Please.

17 A I do think, and again we don't have  
18 the full Code of Conduct in front of us, but  
19 I do think, at least the concept of respect,  
20 as best I can remember, is incorporated. I  
21 would have to check and have the document in  
22 front of me.

23 Q As part of your responsibility, do  
24 you have any ethical oversight associated  
25 with the bankruptcy process and the Plan of  
26 Reorganization? Do you look at it for  
27 ethical concerns?

28 A Not specifically, no. In my job, I



1 am responsible for compliance and ethics at  
2 PG&E and the oversight thereof. There are  
3 lots of things that go on in the  
4 organization, like the work on the Plan of  
5 Reorganization that I don't have day-to-day  
6 responsibility for. And so that's why I  
7 answered that to that.

8 Q So, have you reviewed the Plan of  
9 Reorganization for ethical considerations?

10 A No, although if I may?

11 Q Sorry. Let me move on to the next  
12 question, please. If I were to tell you that  
13 within the Plan of Reorganization there was  
14 some type of exploiting a class of victims,  
15 and that plan that you haven't reviewed, if  
16 you were to then to review that Plan of  
17 Reorganization for ethical consideration and  
18 you found that there was a class of victims  
19 that were being exploited, what would be your  
20 path forward as the Chief Ethics Officer to  
21 deal with that issue?

22 A I think I would speak with the  
23 lawyers who were responsible for interactions  
24 with counsel working on the settlements and  
25 ask if everyone was satisfied that everyone  
26 was being treated appropriately in the  
27 broader context of the settlement  
28 environment.

1           Q    And if you found in that Plan of  
2   Reorganization that there was a class of  
3   victims that were being exploited, from your  
4   discussions as the Chief Ethics Officer, what  
5   would you then do?

6           A    I would continue with further  
7   conversations, although it is my  
8   understanding that a fair and appropriate  
9   settlement has been reached with wildfire  
10  victims.  So I view this as highly  
11  hypothetical.

12          Q    All right.  But you have testified  
13  that you haven't reviewed the Plan of  
14  Reorganization from an ethical standpoint.  
15  So I'm not sure how you could come to that  
16  conclusion, but I'll move on.

17                Have you familiarized yourself with  
18  the letters that have been sent in from  
19  victims into the Bankruptcy Court concerned  
20  about the ethical implications of the plan  
21  and restructuring?

22          A    Not in any detail, no.

23          Q    Not in any detail.  Have you looked  
24  at them all?

25          A    I am aware that letters have come  
26  in.

27          Q    How are you in touch with the  
28  ethical concerns of your customers?

1           A     So, there are numerous ways. There  
2     are many, many employees in our company who  
3     have responsibility for direct interactions  
4     with customers all the time. I am in touch  
5     with them.

6           As I mentioned earlier, we have a  
7     matrix organization. So, for example, one of  
8     our lines of business is our customer care  
9     line of business. It has its responsibility  
10    as you can imagine from the title, issues  
11    related to customers. When I am interacting  
12    with the customer organization, we talk about  
13    their compliance and ethics activities. So  
14    that's one way.

15           Another way is more direct and that  
16    is that I participated last year in public  
17    participation hearings with respect to  
18    various aspects of the company. I was there  
19    in my capacity as the Compliance and Ethics  
20    Officer and it gave me a direct opportunity,  
21    and I want to say I was in Bakersfield and  
22    San Jose, but don't quote me on that, hearing  
23    directly from customers about issues in the  
24    company.

25           So some of it's derivative; some of  
26    it's direct. That's my best answer to that.

27           Q     Last question, if I may. The last  
28    statement in your -- what is this called here

1 -- your Core Value Statement, at least what I  
2 was to gather online, is to foster a climate  
3 of trust and openness between people. And  
4 that's a quote from your document. Do you  
5 think that what you have discussed today and  
6 in the way you have discussed it fosters a  
7 climate of trust and openness between people?

8 A I'm not sure what document you're  
9 referring to. In any case, I do think so.  
10 And I can certainly assure you it's what we  
11 are attempting to do.

12 MS. ABRAMS: No more questions.

13 ALJ ALLEN: Thank you, Mr. Abrams.

14 Commissioner Rechtschaffen has  
15 questions.

16 EXAMINATION

17 BY COMMISSIONER RECHTSCHAFFEN:

18 Q Good morning, Ms. Kane.

19 A Good morning.

20 Q What do you think is the most  
21 important thing that PG&E's done to ensure  
22 that it stays in compliance with the  
23 conditions of probation that the court's  
24 imposed on it?

25 A The most important thing -- there's  
26 really a few things, but one is to ensure  
27 that we are in regular communication with  
28 those who have oversight over the probation.

1 And so that would be in particular our  
2 federal monitor and our probation officer.  
3 And then there are many other things that we  
4 are doing to achieve compliance with the  
5 terms of probation, certainly complying with  
6 all the questions that Judge Alsup is asking,  
7 which he is doing frequently, and then  
8 perhaps first and foremost doing the  
9 underlying work that is required.

10 COMMISSIONER RECHTSCHAFFEN: Thank you.

11 ALJ ALLEN: Thank you. That should  
12 complete all the cross-examination for  
13 Ms. Kane. Am I correct?

14 (No response.)

15 ALJ ALLEN: Seeing no disagreement,  
16 Ms. Grove, do you have any redirect?

17 MS. GROVE: Can I have just a minute,  
18 your Honor?

19 ALJ ALLEN: Ms. Grove.

20 MS. GROVE: We have no redirect, your  
21 Honor.

22 ALJ ALLEN: Thank you. Thank you,  
23 Ms. Kane. You are excused.

24 Up next will be I believe the  
25 Chapter 6 panel. The cross-examination  
26 matrix that was set up, set up for reference,  
27 shows both the panel and individual  
28 witnesses. My thinking or my understanding

1 is that that will be just as a panel. We are  
2 not going to have separate individual  
3 witnesses in addition to a panel; is that  
4 correct?

5 MR. MANHEIM: That's right. Just the  
6 panel.

7 ALJ ALLEN: Okay. Let's go off the  
8 record.

9 (Off the record.)

10 ALJ ALLEN: On the record.

11 PG&E, call your next witnesses,  
12 please.

13 MS. RUTTEN: Your Honor, PG&E calls the  
14 panel of Debbie Powell, Matthew Pender and  
15 Tracy Maratukulam.

16 ALJ ALLEN: Please stand.

17 TRACY MARATUKULAM, DEBBIE POWELL and  
18 MATT PENDER, called as a witnesses by  
19 Pacific Gas and Electric Company,  
20 having been sworn, testified as  
21 follows:

22 THE WITNESSES: (Collective affirmative  
23 response.)

24 ALJ ALLEN: Thank you. Please be  
25 seated and one at a time give your full name  
26 and spell your last name for the record.

27 WITNESS MARATUKULAM: I am Tracy  
28 Maratukulam, M-a-r-a-t-u-k-u-l-a-m.

WITNESS POWELL: Good morning. I am  
Debbie Powell, P-o-w-e-l-l.

1           WITNESS PENDER:   And Matthew Pender.  
2   Last name P-e-n-d-e-r.

3                         DIRECT EXAMINATION

4   BY MR. RUTTEN:

5           Q    I will start with you, Ms. Powell.  
6   What is your role at PG&E?

7           WITNESS POWELL:   I'm Vice President of  
8   Electric Operations Asset and Risk Management  
9   and the Community Wildfire Safety Program.

10          Q    How long have you been in this  
11   position?

12          A    One month last Friday.

13          Q    Do you have before you what's been  
14   marked for identification PG&E-1, the volume  
15   of prepared testimony?

16          A    I do.

17          Q    And within that volume, are you  
18   sponsoring Chapter 6, parts A through C?

19          A    Yes, I am.

20          Q    Do you also before you what's been  
21   marked for identification as PG&E-7 which  
22   contains supplemental testimony including  
23   errata?

24          A    I do.

25          Q    And does that volume include the  
26   errata to your testimony in Chapter 6?

27          A    It does.

28          Q    So I have identified the material

1     that you are sponsoring. Was that material  
2     prepared by you or at your direction?

3             A     Yes, it was.

4             Q     Do you adopt it as your testimony?

5             A     I do.

6             Q     Is it true and correct, to the best  
7     of your knowledge and belief?

8             A     Yes.

9             Q     Mr. Pender, turning to you, what is  
10    your role at PG&E?

11            WITNESS PENDER: I'm the Director of  
12    the Electric Operations Regulatory Strategy  
13    and Community Wildfire Safety Program  
14    Organization.

15            Q     Do you have before you what's been  
16    marked for identification as PG&E-1, the  
17    volume of prepared testimony?

18            A     Yes.

19            Q     And within that volume, are you  
20    sponsoring Part D of Chapter 6?

21            A     Correct.

22            Q     And do you have before you what's  
23    been marked for identification as PG&E-7  
24    which contains supplemental testimony  
25    including errata?

26            A     Yes.

27            Q     Does that volume include the errata  
28    to your testimony in Chapter 6?



1           A     It does.

2           Q     So I have identified the material  
3     that you are sponsoring. Was that material  
4     prepared by you or at your direction?

5           A     Yes, it was.

6           Q     Do you adopt it as your testimony?

7           A     I do.

8           Q     Is it true and correct, to the best  
9     of your knowledge and belief?

10          A     It is.

11          Q     Turning to you, Ms. Maratukulam,  
12     what is your role at PG&E?

13                WITNESS MARATUKULAM: I am the Director  
14     of the Public Safety Power Shutoff Program at  
15     PG&E.

16          Q     Do you have before you what's been  
17     marked for identification as PG&E-1, the  
18     volume of prepared testimony?

19          A     I do.

20          Q     And within that volume, are you  
21     sponsoring Part E of Chapter 6?

22          A     I am.

23          Q     Was that testimony prepared by you  
24     or at your direction?

25          A     It was.

26          Q     And do you adopt it as your  
27     testimony?

28          A     I do.

1           Q    Is it true and correct, to the best  
2   of your knowledge and belief?

3           A    Correct.

4           MR. RUTTEN:  Thank you, everyone.

5                Your Honor, the witnesses are  
6   available for cross-examination.

7           ALJ ALLEN:  Thank you.  The first  
8   cross-examination is Ms. Kasnitz.

9           MS. KASNITZ:  Thank you, your Honor.

10                   CROSS-EXAMINATION

11   BY MS. KASNITZ:

12           Q    I believe all of my questions are  
13   going to be directed to Ms. Maratukulam  
14   regarding the Public Safety Power Shutoff  
15   Program.

16                   (Interjection by court reporter.)

17   BY MS. KASNITZ:

18           Q    I'm sorry.  I believe all of my  
19   questions are going to be directed to  
20   Ms. Maratukulam, but if the other witnesses  
21   believe they're the appropriate people to  
22   respond, I will leave it to their discretion.

23                   My name is Melissa Kasnitz.  I  
24   represent the Center for Accessible  
25   Technology whose role is to represent the  
26   interests of PG&E customers with disabilities  
27   and medical needs.  This group is  
28   disproportionately low income.  So I also

1 generally represent the interests of  
2 low-income customers, to the best of my  
3 ability.

4 This group is also highly-dependent  
5 on affordable and reliable energy to live  
6 independently and they are at extremely high  
7 risk of serious harm due to extended power  
8 outages. So they're very concerned about the  
9 Power Shutoff Program.

10 I'd like to start by referring to  
11 page 6-10 of the relevant chapter,  
12 Ms. Maratukulam's testimony that specifically  
13 notes that de-energization creates hardships  
14 for individuals and communities. May I ask  
15 specifically what you have in mind when you  
16 acknowledge the hardships that are created by  
17 extended power outages?

18 WITNESS MARATUKULAM: PG&E recognizes  
19 that de-energization creates hardships for  
20 all of the communities that we serve. We  
21 live in a modern society that relies on  
22 electricity for daily needs. And that's  
23 particularly true of vulnerable communities,  
24 especially those who rely on electricity for  
25 medical needs.

26 Q So when you acknowledge that  
27 hardships are created, do you specifically  
28 have in mind the risk of immediate physical,

1     difficult harm to medically-vulnerable  
2     customers, such as those who rely on  
3     respirators?

4             A     We recognize those that are  
5     medically-vulnerable and sensitive are at  
6     risk when they lack access to power.

7             Q     So was that part of what you had in  
8     mind when you acknowledged the hardships of  
9     PSPS events?

10            A     Yes, in addition to all of the  
11     communities we serve.

12            Q     And did you specifically have in  
13     mind, when you identified the hardships that  
14     power shutoffs create on individuals, the  
15     risk of longer-term physical harm; for  
16     example, someone who relies on a C-PAP  
17     machine for sleep apnea who might not be in  
18     immediate risk of dying if they don't have  
19     power for a night but whose long-term health  
20     will be compromised?

21            A     We recognize generally that these  
22     hardships do exist. We are not the experts  
23     for all medical conditions that our  
24     communities face or the customers face.

25            Q     So that was an example, but  
26     generally-speaking, when you say "hardship,"  
27     do you have in mind long-term risk of  
28     physical harm to people who are

1 medically-vulnerable?

2           A    We consider broadly that  
3 de-energization affects medically-sensitive  
4 customers, specifically focused on the  
5 duration of our power shutoffs, but that's  
6 where our focus is in ensuring that they are  
7 aware of the potential for de-energization  
8 and are able to prepare accordingly.

9           Q    When you recognize hardships, were  
10 you considering the risk of fire from other  
11 ignition sources that people might rely on  
12 during an extended power outage such as  
13 generators?

14           A    We recognize that that risk exists.  
15 And part of our outreach efforts in our  
16 preparedness materials to all customers does  
17 include generator safety information.       ]

18           Q    When you acknowledged the risk of  
19 hardship, did you consider lost wages, lost  
20 time in school, spoiled food for households  
21 who were affected by an extended outage?

22           A    We generally recognize that, yes,  
23 hardships include many things, including what  
24 you have mentioned.

25           Q    And did you specifically consider  
26 the lost business suffered by small  
27 businesses and larger businesses during an  
28 extended power outage?

1           A    Again, we recognize that these  
2 hardships across the communities affect our  
3 customers in many ways.

4           Q    And did you consider as part of  
5 your hardship acknowledgment the costs to  
6 local governments and community based  
7 organizations in attempting to assist in  
8 preparedness and response to an extended  
9 power outage?

10          A    Again, we realize that there are  
11 broad implications and hardships felt across  
12 our communities.

13          Q    Still on page 6-10 of the material,  
14 you lay out a list of factors that PG&E  
15 evaluates to determine whether to execute a  
16 PSPS event. I'm looking at the bullet list  
17 on page 6-10. Do you see that?

18          A    I do.

19          Q    This list is comprised only of  
20 weather-related conditions. Does PG&E  
21 consider the public safety risks created by  
22 power outages in its decision to execute PSPS  
23 events?

24          A    We do.

25          Q    To what extent does PG&E attempt to  
26 balance the risks of an extended power outage  
27 against the risks that a public safety power  
28 outage is intended to mitigate against?

1           A     Ensuring that we have awareness of  
2     the populations that would be affected, the  
3     number of customers and broken down by  
4     different classes, critical as well as  
5     medical baseline customers, is part of our  
6     PSPS protocol.

7                     We are evaluating, yes, both the  
8     weather and the potential size and scale of  
9     these events. We work to ensure that our  
10    customers are aware of the potential for  
11    de-energization far in advance of PSPS season  
12    and work diligently to ensure that they are  
13    notified and aware of the potential during an  
14    event as well.

15                    Part of that outreach includes,  
16    when reaching out to critical customers,  
17    finding out their capabilities in terms of  
18    back-up generation support and where we can  
19    supporting our communities through a variety  
20    of means, including Community Resource  
21    Centers that are energized and that customers  
22    can come to for small device and some medical  
23    device charging needs.

24           Q     Is there any scenario that you can  
25    foresee where you would determine that the  
26    risk of harm that people might suffer because  
27    of an extended power outage outweighs the  
28    factors that would lead you to consider

1 turning off the power and, thus, cancel an  
2 otherwise planned PSPS event?

3 A It's difficult for me to picture a  
4 hypothetical scenario. We do recognize that  
5 there is risk on both sides of  
6 de-energization. There is the risk of  
7 catastrophic fire from potential admission  
8 from our assets, as well as, as I mentioned,  
9 risk of de-energization and the hardships  
10 that are felt by our communities.

11 Q Do you have authority to override  
12 the call for a PSPS event because you believe  
13 that the risks to the customers that would be  
14 affected are too severe to allow the event to  
15 go forward?

16 A I personally do not have the  
17 decision making authority. As mentioned in  
18 my testimony, our senior vice president of  
19 electric operations serves the role as the  
20 officer in charge during our PSPS events.

21 He or his delegate has the  
22 authority to make the decision to de-energize  
23 which does weigh the balance between both  
24 sides of that position.

25 Q Whose job is it to provide  
26 information about the risks to customers from  
27 an extended outage to that officer in charge  
28 so that that person can consider the risk of



1     harm from an extended power outage?

2             A     During activation of our emergency  
3     operation center during PSPS events, there  
4     are sections across our incident command team  
5     that is informing our officer in charge of  
6     both the weather risk that is coming through  
7     and the potential effects on the populations  
8     that may be de-energized.

9             Q     Your colleague Mr. Vesey testified  
10    about a chief risk officer role who would be  
11    involved in these considerations. Can you  
12    tell me how the chief risk officer would  
13    interact with the officer in charge.

14            A     There's no current role within our  
15    EOC structure for the chief risk officer.  
16    Broadly, in advance of the season, we are  
17    looking at where there is risk across our  
18    service territory. There isn't a specific  
19    protocol during the decision making for the  
20    chief risk officer right now.

21            Q     But the officer in charge would be  
22    empowered to call off an otherwise planned  
23    PSPS event if they believed that the risk of  
24    harm to customers from an outage outweighed  
25    the risk of the wildfire conditions?

26            A     Correct.

27            Q     Turning to page 6-12 to 6-13 of the  
28    testimony, you state that PG&E has

1 implemented measures to mitigate the impact  
2 of PSPS on its customers and, in particular,  
3 vulnerable customers. Do you see that?

4 A I do.

5 Q But the only vulnerable customer  
6 group that you identify in the second bullet  
7 point on page 6-13 are customers enrolled in  
8 the medical baseline program. Do you see  
9 that?

10 A I do.

11 Q Does PG&E consider the needs of any  
12 of its accessed and functional needs  
13 customers beyond its medical baseline  
14 customers in evaluating the need for  
15 mitigation?

16 A PG&E recognizes that serving the  
17 needs of our accessed and functional needs  
18 communities does not -- it's not core  
19 capability of the electric utility. So,  
20 we're working diligently to partner with  
21 community based organizations that are the  
22 trusted organizations within these  
23 communities to serve the needs of those  
24 populations.

25 Q We'll get to that in a moment, but  
26 my question was actually whether you  
27 acknowledge that the accessed and functional  
28 needs community extends beyond those

1 customers who are enrolled in the medical  
2 baseline program?

3 A Yes. We recognize that there are  
4 other populations outside of medical  
5 baseline.

6 Q Are you aware that PG&E has an  
7 obligation to ensure that certain customers  
8 who are self-identified as having a person  
9 with a medical vulnerability in their  
10 household receive an in-person field visit  
11 prior to disconnection for nonpayment? Are  
12 you aware of that classification?

13 A I am not familiar with the details  
14 of our disconnection procedures.

15 Q Has there been any effort within  
16 the parameters of the PSPS program to use the  
17 list of customers who have been identified as  
18 medically vulnerable for the purpose of  
19 disconnection protections as a way to  
20 identify AFM customers who are not enrolled  
21 in medical baseline?

22 A I admit to not having familiarity  
23 with that program. I would assume that that  
24 is strongly overlapping, if not directly tied  
25 to our medical baseline program.

26 Q On what basis do you make that  
27 assumption?

28 A The term that you were using, that

1     they are medically sensitive. That is the  
2     visibility that PG&E has into medically  
3     sensitive customers is through our medical  
4     baseline program.

5           Q     So you are not aware of any effort  
6     to use the list of medically sensitive people  
7     that's been identified with regard to  
8     disconnections in terms of preparation for  
9     PSPS events; is that accurate?

10          A     That is accurate.

11          Q     Are you aware that PG&E provides  
12     bills and other materials to certain  
13     customers in nonstandard format to  
14     accommodate their disabilities?

15          A     I believe I have heard that is the  
16     case. I do not have direct familiarity with  
17     those formats.

18          Q     As the person in charge of the PSPS  
19     program, have you made any effort to obtain  
20     the list of customers who receive nonstandard  
21     materials in order to identify those  
22     customers as AFM customers?

23          A     The PSPS program is very focused on  
24     ensuring that we are able to notify in  
25     advance of an event all of our medical  
26     baseline customers. Those are the customers  
27     that we are aware of through the medical  
28     baseline program as relying on electricity

1 for medical needs.

2 So, the program has been refocused  
3 on ensuring that we have notification,  
4 priority notifications, going out to them as  
5 well as an additional level of notification  
6 if they do not confirm receipt of our  
7 notification.

8 Q So I understand your answer is no,  
9 that you have not, with regard to the PSPS  
10 program, made an effort specifically to  
11 target outreach to those customers who  
12 receive bills or other materials in  
13 nonstandard format; is that accurate?

14 A If there isn't a direct overlap  
15 with our medical baseline program, then I am  
16 unaware.

17 Q And are you aware that PG&E for a  
18 long time has invited customers to  
19 self-identify if a member of their household  
20 has a disability in all of their interactions  
21 with customer service representatives or  
22 other contractors?

23 A Sorry, could you repeat the  
24 question.

25 Q Are you aware that PG&E has a  
26 long-standing commitment to invite customers  
27 to self-identify if a member of their  
28 household has a disability at any time that

1 the customer is in contact with a customer  
2 service representative or other company  
3 representative?

4 A I am not specifically aware of that  
5 commitment.

6 Q So it would be fair to say that you  
7 have made no effort with regard to the PSPS  
8 program to obtain lists of customers who have  
9 self-identified as having someone in the  
10 household with a disability in order to  
11 target those households for notice of PSPS  
12 events?

13 A I wouldn't disagree with -- or I  
14 wouldn't agree with that statement. I do  
15 believe there are medical baseline targets  
16 doing exactly that.

17 Q I'm not talking about medical  
18 baseline customers. I'm talking about a  
19 separate list of customers who have  
20 voluntarily self-identified outside of the  
21 medical baseline program that someone in  
22 their household has a disability.

23 Have you made any effort to access  
24 those lists from elsewhere within the company  
25 to target notification about PSPS events to  
26 those households?

27 A I have not personally. As Julie  
28 mentioned in the prior testimony, our

1 customer care organization is the one that  
2 manages our outreach to customers during  
3 events and in advance of them so they would  
4 be more familiar with specifically the  
5 populations that we are tagging for priority  
6 notifications during a PSPS event.

7 Q But as the head of the program,  
8 you're not aware of any targeted outreach  
9 except to customers who are involved in  
10 medical baseline; is that accurate?

11 A That is accurate.

12 Q Thank you. Turning back to your  
13 description of the outreach to medical  
14 baseline customers on page 6-13 of your  
15 testimony, you only describe additional  
16 notification of measures for these customers.  
17 Are you aware of any mitigation beyond  
18 additional notification that PG&E is  
19 targeting to keep those customers safe during  
20 an extended power outage?

21 A Our partnerships through community  
22 based organizations that are better served to  
23 meet the direct needs of those customers is  
24 our primary means right now of providing  
25 support to them during events.

26 Q And is PG&E providing financial  
27 resources to those organizations to allow  
28 them to serve customers during PSPS events?

1           A    We have.  We are working on  
2   partnering with, for example, the California  
3   Foundation of Independent Living Centers.

4           Q    Do you happen to know how many  
5   customers are served by CFILC during the  
6   extensive power outages of 2019?

7           A    I don't know that number off the  
8   top of my head.

9           Q    Would you agree that it was in the  
10   dozens of people?

11          A    I am unfamiliar with the specific  
12   numbers so it's hard for me to comment on the  
13   quantity.

14          Q    But you would agree that thousands  
15   of people enrolled in the medical baseline  
16   program are without power during the extended  
17   outages last fall; correct?

18          A    There were, yes.  That was during  
19   the various especially larger scale events  
20   that we experienced during last fall that  
21   were affected by the de-energization events.

22          Q    Do you anticipate for the 2020 fire  
23   season that you will have agreements in place  
24   with community based organizations sufficient  
25   to serve the needs of all medical baseline  
26   customers impacted by power outages?

27          A    We're working to set up as many  
28   agreements as we can in partnership with



1 those community based organizations and we'll  
2 continuously do so throughout the year and  
3 into the following years.

4 Q Are you aware of any effort  
5 whatsoever to provide information to the  
6 community about the existence of these  
7 programs?

8 A Yes. We're working directly with  
9 those community based organizations for  
10 outreach on the potential services that they  
11 can provide as well as utilizing that as a  
12 mechanism to further encourage enrollment  
13 where appropriate for the medical baseline  
14 program that PG&E runs.

15 Q So people who don't already receive  
16 services from these organizations that you  
17 partner with would have no way of knowing  
18 that the program even exists; is that  
19 accurate?

20 A No, that is not accurate. We're  
21 working to ensure that across mass media  
22 market campaigns our potential support  
23 options are known and, again, to promote  
24 enrollment in our medical baseline program,  
25 awareness and enrollment where applicable.

26 Q And what about for people who have  
27 medical vulnerabilities but aren't eligible  
28 for medical baseline? What do you propose to

1 do for them?

2 A Again, our partnerships through the  
3 community based organizations are more  
4 familiar with the populations that you're  
5 referring to and their potential needs and  
6 how to serve them is our means of working to  
7 support them where we can.

8 Q Is PG&E attempting to learn about  
9 this population?

10 ALJ ALLEN: Let's make sure everyone  
11 slows down a little bit and speaks up a  
12 little bit.

13 Ms. Kasnitz.

14 MS. KASNITZ: Thank you.

15 THE WITNESS: Sorry, could you repeat  
16 the question.

17 BY MS. KASNITZ:

18 Q Is PG&E making an effort to learn  
19 about these populations?

20 A Yes, through our engagement with  
21 those community based organization, we are  
22 learning about these populations.

23 Q Does PG&E's ADA coordinator have a  
24 role in preparing for PSPS events?

25 A Yes. Deirdre Walke on our team  
26 works to participate in all of our community  
27 open houses and outreach efforts to the  
28 populations that we serve.

1           Q    On page 6-13 you describe PG&E's  
2   Community Resource Centers as a potential  
3   mitigation measure. Do you see that?

4           A    I do.

5           Q    Now, these Community Resource  
6   Centers are not full shelters; is that  
7   correct?

8           A    That is correct.

9           Q    Do they provide hygiene facilities  
10   for the people who seek services at the CRCs,  
11   showers, and the ability to maintain  
12   cleanliness?

13          A    I don't believe that we have  
14   provided showers to date. I know that we're  
15   looking to secure locations that are brick  
16   and mortar, hardened facilities. We did  
17   utilize a good number of tent facilities  
18   stood up quickly during last year's events.

19          Q    Do you provide sleep facilities for  
20   people who need shelter?

21          A    We do not.

22          Q    Do you provide full meals for  
23   people who have had to leave their homes  
24   because of the extended power outage?

25          A    We provide non-perishable snacks.

26          Q    Are all of the facilities that you  
27   open up in compliance with the access  
28   requirements of the Americans with

1 Disabilities Act and state law?

2 A That is one of the requirements  
3 that we are building in to standing up our  
4 CRCs.

5 Q But that was not the case that your  
6 facilities used in 2019; is that correct?

7 A It was one of the factors and  
8 standards that we were looking to implement  
9 across our CRCs. I cannot say with a hundred  
10 percent confidence that we -- that all were  
11 fully ADA compliant.

12 Q Would you accept that other folks  
13 from PG&E have acknowledged that not all  
14 facilities used during 2019 were ADA  
15 compliant?

16 MR. RUTTEN: Object to the form of the  
17 question, calls for speculation.

18 ALJ ALLEN: Sustained.

19 Please rephrase or ask another  
20 question.

21 BY MS. KASNITZ:

22 Q Do you have any information from  
23 your colleagues at PG&E as to whether all of  
24 the facilities used in 2019 were ADA  
25 compliant?

26 A I had heard concern during the fall  
27 events that there were a couple of facilities  
28 that we stood up that did not have full

1     pavement. We were standing these up often in  
2     parking lots. From what I recall, there were  
3     some that did not have fully paved but,  
4     instead, rocky surface.

5             Q     Is that the only complaint that you  
6     are aware of?

7             A     That is.

8             Q     Do the Community Resource Centers  
9     have adequate charging facilities for people  
10    who rely on medical devices powered by  
11    electricity?

12            A     One of the things that we are  
13    striving to provide in our Community Resource  
14    Centers is the ability for small device  
15    charging, including small device medical  
16    devices.

17            Q     What about large devices?

18            A     I don't know if we have built in  
19    the capability or that we did build in the  
20    capability last year for large medical  
21    devices, but I am also not familiar with  
22    where the line is drawn between small and  
23    large.

24            Q     Small is the characteristic of your  
25    own offering, so if you did not -- do you  
26    have a plan for 2020 to allow sufficient  
27    resources for charging of medical devices of  
28    any size? Is that part of your plan for

1 2020?

2 A I am not familiar with the  
3 specifics of any size. I do know that we're  
4 working to stand up hardened facilities, so  
5 brick and mortar facilities, that would  
6 potentially have more capabilities than the  
7 tents that we stood up last year.

8 Q But you don't have information as  
9 the head of the PSPS program as to whether  
10 these locations will have sufficient  
11 resources to charge any form of medical  
12 device that a customer may rely on?

13 A The PSPS program is a broad,  
14 cross-functional program. So while, yes, I  
15 am in charge of ensuring that we have the  
16 protocols and procedures in place to  
17 implement a PSPS event, we partner strongly  
18 with our customer care organization to be  
19 focused on what we can provide customers  
20 during events.

21 Q So I understand from what you're  
22 saying that you do not have information one  
23 way or the other as to whether the CRCs will  
24 have sufficient power to charge any medical  
25 device that a customer may rely on; is that  
26 accurate?

27 A The only term that I am hesitant  
28 there is with any device. I am not familiar

1 with the breadth of medical devices that are  
2 potentially going to be brought to our CRCs.

3 Q So you're agreeing that you do not  
4 have information as to whether customers may  
5 arrive with medical devices that are not  
6 capable of being served at a CRC? You don't  
7 have information one way or the other; is  
8 that accurate?

9 A Not knowing the full potential  
10 population of what those devices would  
11 include, I, yes, would hesitate to say that  
12 we will absolutely be able to charge every  
13 device that would be brought.

14 Q Has PG&E considered the safety  
15 risks to customers of closing CRCs at night?

16 A There are safety risks on both  
17 sides of keeping our CRCs open, as I believe  
18 even the City of San Jose replied in the  
19 testimony, that on our OIR proceeding that  
20 there's risk trying to run these during the  
21 night. So, I think there is risk on both  
22 sides.

23 Q What do you tell customers who  
24 don't have independent transportation and  
25 whose home is in the dark that they should do  
26 at night when a CRC closes? What's your  
27 recommendation to those customers?

28 A Again, we're working with

1 community based organizations that are better  
2 served to meet the needs of those  
3 populations. I believe that part of what the  
4 California Foundation of Independent Living  
5 Centers was able to stand up during our fall  
6 events was hotel vouchers where appropriate.

7 Q Do you believe that you're going to  
8 be in a position to offer hotel vouchers to  
9 every person who needs them in the 2020 fire  
10 season?

11 A It is hard for me to speculate on  
12 what this next season will specifically look  
13 like, so I cannot say one way or the other  
14 that we will absolutely -- I know that we are  
15 striving to provide as much and as many  
16 services as we can.

17 Q Do you have a budget for hotel  
18 vouchers that you'll be providing to  
19 customers in the 2020 fire season?

20 A So we're working with those  
21 community based organizations to essentially  
22 run the programs and decide the services that  
23 will best serve the populations that they  
24 work with and serve.

25 Q And what is the budget that PG&E is  
26 projecting to provide to these community  
27 based organizations to operate these  
28 services?



1           A    I don't have the firm number  
2           established.  I'm unfamiliar with what the  
3           total --

4           Q    Do you have --

5                               (Crosstalk.)

6           ALJ ALLEN:  Let's have one person talk  
7           at a time.  Make sure she finishes the answer  
8           before you ask the next question.

9                               Ms. Kasnitz.

10          BY MS. KASNITZ:

11           Q    Do you have a ballpark number even  
12           if you don't have an exact number?

13           A    I'm not sure of the range.  I  
14           believe I'm unfamiliar with what the exact  
15           funding numbers will be.

16           Q    Do you anticipate that it will be  
17           sufficient to serve thousands of customers if  
18           that's required during extended power  
19           outages?

20           A    Our hope is to be able to serve the  
21           populations that would be affected by 2020  
22           events to the best of our ability.

23           ALJ ALLEN:  Ms. Kasnitz, let me do a  
24           time check here.  How are you on your cross?

25           MS. KASNITZ:  Just a couple more  
26           questions, your Honor.

27           ALJ ALLEN:  Okay.

28           ///

1 BY MS. KASNITZ:

2 Q Can I ask you whose job it is, is  
3 it your job or can you identify someone else  
4 whose job it is to keep people with medical  
5 vulnerabilities safe when PG&E deliberately  
6 ceases to meet its primary obligation to keep  
7 the power on?

8 MR. RUTTEN: Object to the form of the  
9 question, argumentative.

10 ALJ ALLEN: Sustained.

11 Please rephrase.

12 BY MS. KASNITZ:

13 Q Can you tell in whose job it is,  
14 whether it's yours or someone else you can  
15 potentially identify, to provide services to  
16 keep customers with medical vulnerabilities  
17 safe from harm during an extended power  
18 outage?

19 A Part of what we are trying to  
20 achieve in executing PSPS events is to ensure  
21 that our customers are aware of the potential  
22 for de-energizations that they are empowered  
23 to prepare accordingly. I don't know that  
24 PG&E can take on ensuring that everyone is  
25 fully prepared for an extended outage.

26 Q Beyond the bullet points on page  
27 6-12 to 6-13 of your testimony, do you have  
28 any plans to mitigate the impact of outages

1 on vulnerable populations who may be subject  
2 to them?

3 A We are working now to mitigate the  
4 overall impacts of PSPS events. We have  
5 identified several asset-based solutions  
6 targeted at minimizing the scope of future  
7 events based on what we experienced in 2019  
8 as well as pulling in more resources to  
9 minimize the duration of potential outages.

10 Q I very much appreciate the efforts  
11 to reduce the scope and duration of power  
12 outages, but for those customers who still  
13 experience them, do you have any plans beyond  
14 the bullet points identified in pages 6-12 to  
15 6-13 of your testimony to mitigate the impact  
16 of those outages?

17 A Working with our community based  
18 organizations, the trusted partners that  
19 serve those communities will be a key aspect  
20 of how we support medical baseline and  
21 accessed and functional needs and vulnerable  
22 populations in the coming season.

23 Q Last question I believe. Is there  
24 a reason that you do not discuss this work  
25 with CBO partners in your testimony with  
26 regard to mitigation of PSPS events?

27 A That we do not discuss this work?

28 Q The use of reliance on community

1 based organizations in any aware -- let me  
2 start again.

3 Your testimony does not mention  
4 PG&E's efforts to work with community based  
5 organizations in order to mitigate the  
6 impacts of PSPS events. Is there a reason  
7 why that is not identified as a mitigation  
8 effort in your testimony?

9 A No. It is extensively described in  
10 our Wildfire Mitigation Plan and something  
11 that we are open and transparent and happy to  
12 discuss and share.

13 Q One more moment, but I believe I  
14 don't have any further questions. Thank you.  
15 No further questions.

16 ALJ ALLEN: Thank you, Ms. Kasnitz.

17 Anything we need to address before  
18 we take a lunch recess? Seeing none, we will  
19 be in recess until 1 o'clock by the wall  
20 clock.

21 (Whereupon, at the hour of 12:00  
22 p.m., a recess was taken until 1:01  
p.m.) ]

23 \* \* \* \* \*

24

25

26

27

28

1 AFTERNOON SESSION - 1:01 P.M.

2  
3 \* \* \* \* \*

4 TRACY MARATUKULAM, DEBBIE POWELL, MATT  
5 PENDER,  
6 resumed the stand and testified further as  
7 follows:

8  
9 ALJ ALLEN: On the record.

10 Good afternoon. Resuming the  
11 evidentiary hearings. We just remind the  
12 panel that they are still under oath. I  
13 believe we had completed the cross-exam by  
14 Ms. Kasnitz.

15 Next is it Ms. Kelly? Is that  
16 correct?

17 MS. KELLY: Yes, it is, your Honor.

18 ALJ ALLEN: Okay. Go ahead, Ms. Kelly.

19 MR. RUTTEN: Your Honor, if I could,  
20 just with a housekeeping issue first, if you  
21 don't mind, given how time is going today, we  
22 thought the next witnesses in order will be  
23 starting with Amit Gupta, who I believe would  
24 be very quick. I think only one party had  
25 requested cross-examination time with that  
26 witness, followed by Catherine Yap, who I  
27 believe would also be relatively short, and  
28 then Robert Kenney, who -- as I understand

1     it, one of the parties would like to  
2     cross-examine him very briefly, because that  
3     party cannot be here when he's otherwise  
4     scheduled to testify, so we thought maybe  
5     five minutes with him, and then he could  
6     resume his testimony later, and finally  
7     followed by Martin Wyspianski, and I think  
8     that would --

9             ALJ ALLEN:  What I'd like to do is I'd  
10    like to follow this panel with Yap, just to  
11    make sure we get through Yap today, because I  
12    know that Yap has availability issues.  So  
13    I'd like to do this panel, and then Yap, and  
14    then CLECA's cross-examination of Kenney,  
15    because -- and then we can do Gupta, if  
16    there's time, and then followed up with  
17    Wyspianski, whether that's today or when we  
18    get to it.

19            Ms. Sheriff?

20            MS. SHERIFF:  Yes, thank you, your  
21    Honor.  The one clarification I would add is  
22    the request to have PG&E conduct the redirect  
23    of Mr. Kenney following my cross-examination  
24    of him today while I am here, if possible.

25            ALJ ALLEN:  If there is any way.  We  
26    can see what we can do.  But, with that,  
27    let's go ahead and continue with this panel  
28    for now.

1                   So I believe, Ms. Kelly, are you up  
2 next?

3                   MS. KELLY: Yes, I am, your Honor.

4                   ALJ ALLEN: Mr. Strauss, did you  
5 have --

6                   MR. STRAUSS: I might -- I'd also like  
7 to add just a couple questions, if there is  
8 time today, for this panel, as well.

9                   ALJ ALLEN: Yes.

10                  MR. STRAUSS: Thank you, your Honor.

11                  ALJ ALLEN: Go ahead, Ms. Kelly.

12                  MS. KELLY: Thank you, your Honor.  
13 Thank you.

14                               CROSS-EXAMINATION

15 BY MS. KELLY:

16                  Q I believe my questions will be for  
17 Mr. Pender. If you would please turn to  
18 page 6-5 of your testimony.

19                  WITNESS PENDER: Yes. I'm there.

20                  Q Thank you. At approximately  
21 line 22, you say that PG&E has completed  
22 EM -- EVM, enhanced vegetation management,  
23 work on a total of approximately 2500 line  
24 miles. Is that correct?

25                  A That's correct.

26                  Q Okay. So what does it take for a  
27 line mile to be designated as completed work?

28                  A That's a great question. So we

1 have a multistep process to move from  
2 identifying a line to be worked through  
3 completing the work, validating it, et  
4 cetera. So first, we have a pre-inspector, a  
5 vegetation arborist, who goes out and marks  
6 the trees along that line that need to be  
7 worked. Now, to be clear, enhanced  
8 vegetation management is enhanced because  
9 it's above and beyond compliance  
10 requirements. So generally speaking,  
11 compliance requirements require a radial  
12 clearance, just a circle around our power  
13 lines. Enhanced vegetation management goes  
14 beyond that through moving overhanging  
15 branches, extending the circle, or the radial  
16 clearance, and also identifying hazardous or  
17 at-risk trees adjacent to the power lines to  
18 be treated or to be removed or trimmed, as  
19 appropriate. So the pre-inspector, as part  
20 of the EVM program, is walking the line,  
21 marking those trees. Then a tree crew comes  
22 behind that pre-inspector and performs the  
23 work that has been prescribed; so that could  
24 be removing trees, trimming trees, whatever  
25 the case may be. When they're done, we have  
26 a work verification process. Work  
27 verification is performed on 100 percent of  
28 the enhanced vegetation management miles. So



1     when the tree crew says it's complete, we  
2     have a separate inspector, part of the work  
3     verification process, who makes sure that the  
4     work that they performed was in line with our  
5     EVM standard. If they identify anything that  
6     was not in line with our standard, they mark  
7     those trees that should have been trimmed or  
8     something different should have occurred, and  
9     then it is reworked. It goes back to a tree  
10    crew to work again, and then it gets rework  
11    verify -- work verified to make sure that it  
12    is in compliance with our standard. And  
13    then, when all that's completed, then we call  
14    a mile complete.

15           Additionally, in the fourth quarter  
16    of last year, we added a QA, quality  
17    assurance, step where we had a separate team  
18    within PG&E take a sampling of all those  
19    miles that had gone through all those other  
20    steps and was considered complete to say,  
21    "Hey, if we looked at it with fresh eyes,  
22    would we say that those miles are complete  
23    and in line with our standard?" So we have a  
24    couple of quality steps, and certainly a  
25    couple of process steps to complete a mile of  
26    enhanced vegetation management.

27           Q     And so what have been the results  
28    of the quality assurance performed, to date?

1           A    So there's a work verification  
2   process, right, which is the -- right, and  
3   then there's a quality assurance step, which  
4   we pretty much only established in the fourth  
5   quarter. That sampling basis found a nine --  
6   approximately a 98 percent pass rate. So the  
7   miles that we had said were complete that  
8   quality assurance step validated that  
9   98 percent of what they sampled was, in fact,  
10  in line with our standard.

11           Q    So that's approximately -- that's  
12  two percent noncompliance?

13           A    That's two percent that were  
14  assessed to not be perfectly in compliance  
15  with our standard, yes.

16           Q    Okay. Then turning to -- turning  
17  to -- I had previously identified MCE Exhibit  
18  MCE-X-2. Do you have that with you?

19           A    I believe so. Is that the excerpt  
20  from the 2019 Wildfire Safety Plan?

21           Q    Correct. So if you go to page 136  
22  of that document, is -- at the top of that  
23  page, this relates to quality assurance  
24  results in HFTD areas, and it says that  
25  the -- the target is met by achieving  
26  92 percent meets expectations.

27                    So what I am understanding that  
28  you're saying today is PG&E is meeting

1 98 percent?

2 A So the -- this language which was  
3 written in early 2019 as part of our February  
4 submittal of the Wildfire Safety Plan, what  
5 we had in mind when we discussed this, as you  
6 look at the top of page 136, it references  
7 that this QA review will be performed on  
8 100 percent of the EVM work. This is in  
9 reference essentially to our work  
10 verification process; and so every mile is  
11 assessed under work verification, and that  
12 was what we had initially put the 92 percent  
13 target on.

14 Q And what was the -- what was the  
15 figure for the work verification target that  
16 PG&E has achieved, to date?

17 A So, as has been filed in some other  
18 environments to the CPUC as well as to other  
19 venues, we achieved around 63 percent first  
20 pass quality clearance on this work  
21 verification process.

22 Q And can you explain what that  
23 63 percent is a percentage of?

24 A So of a hundred percent of the  
25 miles that were completed, which ended up  
26 being 2500 -- about 2500 miles last year, we  
27 did a work verification, and 60 --  
28 approximately 63 percent of those miles were

1 good to go, met our standard from the first  
2 check. The other 37 percent needed some  
3 rework, right, whether it was one tree or a  
4 number of trees. The 37 percent of the  
5 miles, when first assessed after the tree  
6 crew had completed their work, we found some  
7 rework that needed to be completed, and then  
8 we would verify the miles again.

9 Q So are you saying that in  
10 63 percent of cases there were zero trees  
11 that had any exceptions per mile?

12 A That's one way to think of it, that  
13 all of the vegetation in that segment of line  
14 complied with our standard. So, yes, there  
15 were zero exceptions for these on 63 percent  
16 of the miles.

17 Q And were the other tree -- for the  
18 remaining 37 percent, what were the -- what,  
19 on average, were the percentage of exception  
20 trees or the number of exception trees per  
21 mile?

22 A Yeah. I apologize. I don't have  
23 any of those stats off the top of my head.  
24 We could -- we have that information in our  
25 system, but I don't know.

26 Q And I do note on the page prior --  
27 I'm looking at the exact -- the same exhibit,  
28 MCE-X-2, page 135 -- these quality assurance

1 results, the way that this is stated,  
2 calculate this as the number of trees  
3 correctly worked to the EMV or dropped tree  
4 mortality scope divided by all in-scope  
5 trees. So it sounds like a percentage of  
6 trees. Is that correct?

7 A That's correct. You're right. I  
8 may have misstated it or it was unclear in  
9 what I initially stated. The 63 percent is  
10 of the trees in the scope of work, in the  
11 trees within the 2500 miles, 63 percent were  
12 good from the initial work verification, and  
13 37 percent needed additional work.

14 Q So if I'm walking down a line mile,  
15 and I'm -- I'm counting a hundred trees,  
16 37 percent of those trees were not correctly  
17 work -- worked. Is that correct?

18 A The -- yeah. The -- that's a  
19 correct understanding, that after the tree  
20 crew had completed their work, there were 37  
21 trees out of a hundred that still needed some  
22 rework.

23 WITNESS POWELL: Matt, to be clear, in  
24 our first quality process, those trees that  
25 were incompletely worked were then redirected  
26 for rework before we declared those miles  
27 complete.

28 WITNESS PENDER: Absolutely correct.

1 BY MS. KELLY:

2 Q And could you clarify again what --  
3 the percentage of trees that were  
4 noncompliant upon completion, as you're  
5 defining it?

6 WITNESS PENDER: Yeah. So after the  
7 first pass, we would have done our rework,  
8 and then we would have work verified a second  
9 time. Once all of that was done, and we said  
10 that a mile was complete, we did this QA  
11 sample in the fourth quarter where we didn't  
12 do every mile, but we sampled miles, and  
13 98 percent of those were within our EVM  
14 standard.

15 Q And is that consistent with  
16 industry best practices?

17 A There's no industry best practices  
18 in this space. We're going above and beyond  
19 any regulatory norms. There are a few  
20 companies who do anything like this in terms  
21 of the scope and scale of this vegetation  
22 management effort. So, no, there's no  
23 benchmark on this metric, which is if you're  
24 doing a program above and beyond compliance,  
25 what's your quality outcomes in that space.

26 Q And did you refer to the -- the  
27 vegetation management plans of the other  
28 utilities to determine how your metrics

1 aligned with theirs?

2 A Yeah. I mean we've been in regular  
3 contact with particularly the other two  
4 California IOUs who operate in a somewhat  
5 similar environment about how they operate  
6 their programs, how they measure, all those  
7 things.

8 Q And so are you aware that SDG&E's  
9 noncompliance rate is approximately one  
10 percent?

11 A Their measuring is slightly  
12 different thing. My understanding of that --  
13 of their measure of quality is not the same  
14 as the scope of our enhanced vegetation  
15 management program. The scope of our  
16 program, in terms of removing all overhangs,  
17 identifying at-risk trees, is more complex,  
18 and drives a higher volume of work than any  
19 of SDG&E's vegetation programs, for example.

20 Q Okay. And approximately how many  
21 trees per mile does PG&E have?

22 A So I don't have a specific number  
23 on that. You can take really high-level  
24 numbers, like we have approximately a hundred  
25 million trees with the risk of falling into  
26 our lines. We have, on the distribution  
27 system, 81,000 overhead distribution circuit  
28 miles. So you could divide those, and get

1     some per mile estimate. But, of course, it  
2     varies widely from the urban parts of our  
3     service territory to the rural or forested  
4     parts of our service territory.

5             Q     So thinking specifically about the  
6     high-threat fire districts, what is that  
7     approximate number of trees per mile?

8             A     I don't have that number.

9             Q     In literature that I've read, it  
10    can be quite a wide range, but somewhere  
11    between 800 trees per mile and, I believe --  
12    I have to find the figure -- somewhere around  
13    1400 or so. Does that sound like about the  
14    scale that we're talking about?

15            A     Those numbers don't surprise me,  
16    depending on where you sample or something,  
17    you know, which miles, which counties.  
18    But --

19            ALJ ALLEN:   So Ms. Kelly, I think this  
20    was carryover time from --

21            MS. KELLY:   Yes.

22            ALJ ALLEN:   -- Ms. Cambridge you asked  
23    for ten minutes on. So let's do a time  
24    check.

25            MS. KELLY:   Okay. I think I have two  
26    more questions.

27            ALJ ALLEN:   I think we can accommodate  
28    that.



1 MS. KELLY: Thank you.

2 Q And then, so how -- for purposes of  
3 compliance with the law and the PG&E plan,  
4 how are you defining compliance for purposes  
5 of this program?

6 WITNESS PENDER: So just to be clear,  
7 you mentioned compliance with two things, and  
8 those are very separate things.

9 Q Uh-huh.

10 A So compliance with the law is about  
11 the radial clearance around our power lines,  
12 and making sure that no trees get too close  
13 to power lines. We have a number of  
14 processes different than what I have  
15 previously discussed related to EVM to  
16 maintain compliance with radial clearance  
17 regulations. So we have a routine veg  
18 management program that inspects every line  
19 on at least an annual basis, we have quality  
20 control and quality assurance programs that  
21 check that work. Quality control checks the  
22 work that was performed. Quality assurance  
23 looks at samples of our system at any time of  
24 the year, and goes and looks at is -- are all  
25 the trees in compliance with the regulation.  
26 And we have above 99 percent pass rate on  
27 that quality assurance program.

28 Q Related to the legal requirement?

1           A    Yes.

2           Q    Okay.

3           A    Yes.  So that's legal compliance.

4                   And then, as it relates to our  
5 Wildfire Safety Plan or our Wildfire  
6 Mitigation Plan, we have all the programs I  
7 laid out previously to make sure that we do  
8 the work, we check the work, we rework, if  
9 necessary, and then we validate that we've  
10 completed the work.  So as it relates to  
11 compliance with our Wildfire Mitigation Plan,  
12 we've put those steps in place to make sure  
13 that when we say we've done enough miles to  
14 meet our expect -- our obligation, our  
15 commitment, they've been thoroughly  
16 validated.

17           Q    And what is the quality threshold  
18 of that?  You had -- you had mentioned for  
19 compliance with the law about 99 percent.

20                   And then for the EVM, what -- what  
21 would that be?

22           A    Well, as I mentioned, we do  
23 100 percent work validation, verification,  
24 and then rework it, if necessary, until it  
25 passes that work verification.  So we have no  
26 threshold that's close enough, right, until  
27 100 percent of trees on a segment have been  
28 assessed to be in compliance with our

1 standard on the Wildfire Safety Plan. We  
2 won't count that mile as complete. So when  
3 we say, "2500 miles," those 2500 miles meet a  
4 100 percent standard for all trees on that  
5 span, on that mile, being completed to  
6 standard.

7 Q I guess what I don't understand is  
8 you had said that there was a 98 percent QA  
9 achievement on the work performed?

10 A Yes. So another quality check,  
11 right, has -- has sampled those miles, and  
12 identified a relatively small number that may  
13 require further look or rework, and if so, we  
14 will send that back through our operational  
15 team to rework those miles.

16 Q And is it -- is it your team or the  
17 chief compliance officer that defines what  
18 compliance is?

19 A So the electric operations team has  
20 set up the processes and the standards  
21 related to this program from the field work  
22 to the quality control, or work verification,  
23 to the quality assurance program. So all of  
24 the standards have been established and owned  
25 by the electric operations department.

26 MS. KELLY: Okay. I have no further  
27 questions.

28 ALJ ALLEN: Thank you, Ms. Kelly.

1                   Let's go off the record a minute.

2                   (Off the record.)

3                   ALJ ALLEN: On the record.

4                   Ms. Sheriff?

5                   MS. SHERIFF: Thank you, your Honor.

6                   CROSS-EXAMINATION

7 BY MS. SHERIFF:

8                   Q     Good afternoon. My name is Nora  
9                   Sheriff. I represent the California Large  
10                  Energy Consumers Association, or CLECA.  
11                  CLECA is made up of large power customers,  
12                  industrial customers, manufacturing customers  
13                  of Pacific Gas & Electric Company and  
14                  Southern California Edison Company. I have a  
15                  few specific questions which I will direct  
16                  first to Mr. Pender, and then I have a  
17                  different set of questions for  
18                  Ms. Maratukulam, if that's correct.

19                  WITNESS MARATUKULAM: Correct.

20                  Q     Thank you. So Mr. Pender, at  
21                  page 6-7 of your testimony in what's been  
22                  marked for identification as Exhibit PG&E-1,  
23                  you state that, quote, PG&E recognizes the  
24                  seriousness of each PSPS event, however, and  
25                  has been actively taking steps to reduce the  
26                  duration and frequency and impact of PSPS  
27                  events as detailed in Section E below.

28                  And your colleague drafted Section

1 E. Did you review her draft testimony?

2 WITNESS PENDER: I didn't review this  
3 exact draft testimony, but we've been in  
4 regular contact about the aspects of the PSPS  
5 program as part of our wildfire mitigation  
6 effort.

7 Q Okay. Are you aware of the vast  
8 number of customers affected by the fall 2019  
9 PSP events that received no notice of those  
10 fall 2019 PSPS events from PG&E?

11 A I'm not the expert on the  
12 operational aspects of our 2019 or 2020 PSPS  
13 events; so no.

14 Q Have you reviewed any of President  
15 Batjer's rulings regarding the fall 2019 PSPS  
16 events?

17 A I'm peripherally aware of those  
18 rulings, as well as the ongoing proceedings  
19 before the CPUC, but again, not the point  
20 person on those activities.

21 Q Okay. Would it surprise you to  
22 note that in one of her rulings, she  
23 specifically identified that there were  
24 approximately 23,000 customers out of the  
25 729,000 customers that were affected in the  
26 fall 2019 PSP -- PSPS events that got no  
27 notice from PG&E?

28 MR. RUTTEN: Objection, foundation.

1           ALJ ALLEN: Sustained. It's not clear  
2           that this is the right witness for this.  
3           You're clearly referring to Section E, which  
4           is not his.

5           BY MS. SHERIFF:

6           Q     In connection with the efforts to  
7           reduce PSPS impacts, have you considered the  
8           different types of customers that you have?

9           WITNESS PENDER: Our focus on reducing  
10          PSPS impacts as we've laid out in this filing  
11          as well as more extensively in our Wildfire  
12          Mitigation Plan are focused on reducing PSPS  
13          impacts to the largest number of customers  
14          possible, and then for the customers who are  
15          still impacted by PSPS events shortening the  
16          duration of those events. I'm not aware that  
17          our efforts have been largely influenced by  
18          the makeup of those customers beyond  
19          benefiting the largest populations of  
20          customers as quickly as possible.

21          Q     And I -- I would invite your  
22          colleague, Ms. Maratukulam, if you have any  
23          additional response that -- I would like to  
24          hear it.

25          WITNESS MARATUKULAM: Can you repeat  
26          the question?

27          Q     Whether or not PG&E has considered  
28          the different types of customers that it

1     has -- residential, commercial, industrial --  
2     when looking at the efforts that you're  
3     undertaking to reduce the impacts of the  
4     public safety power shutoff events.

5             WITNESS MARATUKULAM: Yes, PG&E has  
6     considered the different customer types, and  
7     is targeting both our outreach in advance of  
8     the PSPS season and during, accordingly.

9             Q     Okay. So have you -- it sounds  
10    like you have considered the different  
11    potential impacts to the surrounding area  
12    associated with the sudden loss of power for  
13    those different types of customers?

14            A     We're working with our customers to  
15    ensure that they are aware of the potential  
16    of de-energization in advance of the season,  
17    and then during events work to ensure that  
18    they are notified if they are within scope of  
19    a given event so they can prepare  
20    accordingly.

21            Q     Are you aware that a sudden loss of  
22    power to a large industrial customer with  
23    complex machinery, hazardous materials, could  
24    have a very different impact on the  
25    surrounding environment versus the loss of  
26    power to a home or an office?

27            A     We recognize that the loss of power  
28    and its effects vary from customer type, yes.

1           Q   And one critical way to reduce the  
2   impact of a PSPS event is to ensure that all  
3   customers that will be impacted actually have  
4   notice.   Correct?

5           A   Yes, we strive to ensure that all  
6   customers potentially affected by a given  
7   PSPS event are notified.

8           Q   And if we could turn to page 6-12  
9   of your testimony, there's only one mention  
10   here about improving communications with end  
11   use customers.   Correct?

12          A   Are you referring to a specific  
13   line on this page?

14          Q   Yeah, the first bullet, line 27.

15          A   So this line does point to our  
16   expected notification cadence when and where  
17   possible, given the weather forecasting  
18   capabilities, to notify customers potentially  
19   affected by an event.

20          Q   Right.   And of all the pages of  
21   testimony -- there's about four in your  
22   Section E -- this is the only one that talks  
23   about notification to customers.   Correct?

24          A   I believe that is the case.

25          Q   Okay.   How long have you been the  
26   Director of PSPS events?

27          A   A little over one year.

28          Q   Okay.   So this was your role in the



1 fall of 2019?

2 A It was.

3 Q At page 6-11, you refer to  
4 transmission assets in the scope of PSPS  
5 events. Is that testimony intended to state  
6 that the officer in charge decides if a  
7 transmission line will be impacted in a PSPS  
8 event?

9 A Yes. There's several key decision  
10 points that our officer in charge makes  
11 during PSPS events, and one of those is the  
12 scope of the event, specifically,  
13 transmission, as well as distribution.

14 Q Do you know who communicates that  
15 specific information, the inclusion of a  
16 transmission line, to the PG&E account reps?

17 A As part of our scoping process, our  
18 planning and intelligence section within our  
19 emergency operations center is asked when  
20 determining the scope of the event both the  
21 assets within the scope and the customers  
22 served by those assets. That information is  
23 handed to our customer strategy officer, and  
24 the customer team then takes over  
25 notification accordingly.

26 Q And where does the customer account  
27 rep fit within that customer strategy officer  
28 description you just gave?

1           A     If they are part of that section of  
2     the EOC.

3           Q     What's the timing of that  
4     information provision?

5           A     They're provided that information  
6     as soon as the scope of the event is  
7     determined.

8           Q     Is that what occurred in the fall  
9     of 2019?

10          A     Yes.

11          Q     Without fail?

12          A     And to clarify, your question is  
13     that the customer section within the EOC was  
14     made aware of the customers that had been  
15     identified as within the scope of the  
16     potential event?

17          Q     Yes, and then the inclusion of  
18     transmission lines.

19          A     Yes. There are several stages  
20     during the process where, given the  
21     complexity of the transmission system, we are  
22     evaluating the potential full scope of  
23     transmission assets will be, so upon initial  
24     scope --

25          MS. SHERIFF: Your Honor, excuse me. I  
26     asked if that's what happened in the fall of  
27     2019.

28          ALJ ALLEN: I think you both kind of

1 wandered around. Why don't you clarify  
2 exactly what you're asking, and she can  
3 answer that? ]

4 BY MS. SHERIFF:

5 Q Are you aware that some customers  
6 serve the transmission level were told in  
7 October 2019 that their facilities would not  
8 be in the scope of the pending PSPS events,  
9 but they actually were within the scope, and  
10 they were shutoff without any notice?

11 MR. RUTTEN: Objection. Foundation.

12 ALJ ALLEN: Overruled.

13 THE WITNESS: I am not familiar with  
14 specific customer -- transmission level  
15 customers who experienced that. I did read  
16 in the data request provided by CLECA some  
17 assertion that that was the case.

18 BY MS. SHERIFF:

19 Q So on page 6-11, at lines 12 to 13,  
20 you talk about the incident command structure  
21 and the monitoring situation and continuous  
22 updating. Has PG&E considered sharing these  
23 continuous updates directly with the actual  
24 account reps who are dealing with customers  
25 in real time during events? So not to a  
26 strategy officer but directly to an account  
27 rep?

28 A The way that the incident command

1 structure works within our EOC is the  
2 information is cascaded accordingly  
3 throughout the sections that require it.

4 Q Would you consider cutting out some  
5 of those cascading steps to provide  
6 information on a more timely basis directly  
7 to the people who need it?

8 A We strive to follow incident  
9 command structure in all of our emergency  
10 response events. We are executing them as  
11 quickly as possible, and we believe that that  
12 system is the most efficient on delivering on  
13 the objectives of the program.

14 Q So is that a no?

15 A I believe that we are almost  
16 directly through the organization of the EOC  
17 and incident command structure effectively  
18 communicating to customer account managers  
19 who are then communicating with our  
20 customers.

21 ALJ ALLEN: So, Ms. Sheriff, you went  
22 over your eight-minute estimate. Do you know  
23 how much more you have?

24 MS. SHERIFF: I have four more  
25 questions.

26 Q At page 6-12, lines 24 to 25, you  
27 state that:

28 The utility has implemented

1                   measure to mitigate the  
2                   impact of PSPS events on  
3                   its customers.

4                   So are those measures that have  
5 already been implemented?

6           A     Yes.

7           Q     Have they been tested?

8           A     Yes. Many of them have.

9           Q     Which ones have not?

10          A     All of these actually have been  
11 executed. They were all executed in the  
12 fall.

13          Q     Yes. However, there were some  
14 failures in that execution. So you have not  
15 retested?

16          A     We recognize, given the scale of  
17 the events that occurred in the fall of 2018,  
18 that there were improvements that we could  
19 make to the overall process. And we are  
20 working now to stand up those improvements so  
21 that in execution in 2020 going forward we  
22 will be better, smarter, and faster.

23          Q     Okay. At line 28 you include the  
24 phrase "as possible."

25          A     On which page?

26          Q     6-12, line 28.

27          A     Mh-hm.

28          Q     What do you mean by "as possible"?

1           A     Given that the dynamic nature of  
2     weather, which is what's driving PSPS events,  
3     we are reliant on weather forecast and the  
4     timeliness of those when they change  
5     dictating when we are able to both scope the  
6     event and then convey information accordingly  
7     to our stakeholders.

8           Q     So does this still mean that a  
9     customer could lose power with actually no  
10    notice during a PSPS event?

11          A     There is the potential. While PG&E  
12    strives to ensure that we are able to quickly  
13    analyze any forecast changes in how that  
14    translates to the system and therefore to the  
15    customers affected to do that analysis as  
16    quickly as possible and execute on  
17    notifications accordingly.

18               Weather is a very dynamic system.  
19    If there are sudden changes, there could be  
20    the potential that we would potentially have  
21    a scope change and not be able to notify in  
22    advance.

23               The priority of the program is to  
24    mitigate catastrophic fire risk while  
25    minimizing the public safety risk of  
26    deenergization. And we feel that  
27    notification is key to that. So we'll always  
28    strive to do that as possible.

1           Q    One last question.  You mentioned  
2   weather as being the factor that would  
3   implicate whether or not customers get  
4   notice.  Is there any other possible factor  
5   that might result in a customer not getting  
6   notice and being shutoff by PG&E?

7           A    Scoping of the PSPS event is  
8   complex, so, yes.  The timeliness of weather  
9   forecasts and how often they change and how  
10   dynamic they are is certainly one major  
11   factor.

12                The other is in our execution  
13   processes.  So I mentioned that there were  
14   lessons learned in the fall events that we  
15   realized we can work to improve to automate  
16   some of the aspects of our scoping process to  
17   improve them and make them a bit more timely.

18           Q    So weather and automation?

19           A    Weather, our scoping process, and  
20   our notification process, yes.

21           MS. SHERIFF:  Thank you.

22                Thank you, your Honor.  I appreciate  
23   your indulgence.  I have no further  
24   questions.

25           ALJ ALLEN:  Thank you, Ms. Sheriff.

26                Mr. Long.

27           MR. LONG:  Thank you.

28           ALJ ALLEN:  Use the microphone, please.

CROSS-EXAMINATION

BY MR. LONG:

Q Good afternoon. I'm Tom Long with  
TURN.

Ms. Powell, I think it's your turn  
for questions.

MR. RUTTEN: If I could, can I just  
clarify? Are questions being directed to  
individual witnesses or the panel as a whole?  
I thought your Honor said the panel as a  
whole.

ALJ ALLEN: Well, they can be either  
way I think if you know what the specific  
witness is. Given that PG&E has identified  
specific witnesses for specific sections, if  
there's questions aimed specifically at that  
section, it's fine to identify.

If one of the other witnesses wishes  
to add on to that or wishes to respond,  
witness can do that.

MR. RUTTEN: Thank you.

MR. LONG: The reason I identified  
Ms. Powell was because I'm asking questions  
about the section that she has sponsored.

Q Ms. Powell, in particular I'd like  
to ask you some questions about the section  
C, which is headed "Organizational Structure  
and Governance." And on pages 6-2 and 6-3



1     there you identify a number of organizations  
2     that have a role in wildfire safety; is that  
3     correct?

4             WITNESS POWELL: That is correct.

5             Q     I hope you have with you the  
6     response to TURN Data Request 17-3 and the  
7     attachment, which has been marked as  
8     Cross-Examination Exhibit X-02. I asked your  
9     counsel to make sure that you were supplied  
10    with that.

11            A     I believe I have that in front of  
12    me, which includes a whole bunch of  
13    organization charts.

14            Q     Yes. So 17-3 the question  
15    identified that same part C we just looked  
16    at. And asked to provide an organization  
17    chart that shows the responsibilities and  
18    reporting relationships of the positions and  
19    organization, et cetera.

20                   (Reporter clarification.)

21    BY MR. LONG:

22            Q     Starting over. That question asked  
23    you to provide an organization chart that  
24    shows responsibilities and reporting  
25    relationships of those various organizations  
26    mentioned in part C. Do you see that?

27            A     Are you on page 3, question 3?

28            Q     That's right.

1           A     Yes, I see that.

2           Q     Okay. And then the response is  
3 supposed to supply the organization chart  
4 that is attached to this exhibit; is that  
5 right?

6           A     Correct.

7           Q     Okay. So beginning with your  
8 organization, I believe that's shown on  
9 page 622 of this organization chart. You're  
10 one of the boxes underneath the senior vice  
11 president, Mr. Lewis.

12          A     On page -- all right.

13          Q     Okay. So there's that box to the  
14 far right that says CWSP and Asset Risk  
15 Management. That's your organization?

16          A     It is.

17          Q     Okay. Now, is your organization  
18 responsible for all of the programs in PG&E's  
19 Wildfire Mitigation Plan?

20          A     It is not.

21          Q     Which organizations -- I am sorry.  
22 Which programs in the Wildfire Mitigation  
23 Plan are not covered by your organization?

24          A     This is going take a couple of  
25 minutes. So we are organized today in a  
26 plan, do, check, kind of organization  
27 structure within electric operations.

28                My organization has the planning

1 aspects of our work ensuring that the work  
2 plan for the year is identified. The  
3 appropriate resources are identified for that  
4 work to occur.

5 We've been spending quite a bit of  
6 time here today talking about the vegetation  
7 management aspects of our program. And the  
8 Vegetation Management Program is within Ahmad  
9 Ababneh's organization, which is the Major  
10 Projects and Programs.

11 His organization also has the key  
12 inspections that are done of our assets. In  
13 the performance of work for repairs, that  
14 work -- whether it's transmission or  
15 distribution -- are performed by either Tom  
16 French's organization or Ken Wells's  
17 organization.

18 So we have separate organizations  
19 identifying the work to be performed as the  
20 organizations who are actually performing the  
21 work.

22 And then the check piece in Lisa  
23 Jordan's organization is where we have acute  
24 -- quality assurance process to go back  
25 through and make sure that we validated the  
26 work has been performed.

27 Q I think you used the term at the  
28 beginning of your answer. Was it plan, do,

1 check?

2 A Correct.

3 Q Okay. Where does your organization  
4 fit into that scheme?

5 A My organization has the plan  
6 function.

7 Q And planning for the Wildfire  
8 Mitigation Plan Programs?

9 A It's an interesting way to ask the  
10 question. So last year putting together the  
11 Wildfire Mitigation Plan Programs was done in  
12 a -- in response a very heightened effort  
13 that we pulled a whole organization together  
14 to respond to. And that was a separate  
15 effort from the rest of the work that was  
16 performed by the organization. It was  
17 essentially a mini emergency operations  
18 center that was in play for the --  
19 essentially the entire year.

20 When electric operations organized,  
21 they reorganized at the end of 2019  
22 recognizing that the level of effort that we  
23 had in '19 would not be sustainable nor  
24 affordable for a long-term view. We took  
25 those emergent functions then we embedded  
26 them into the organization and the  
27 organizations under the plan, do, check,  
28 function.

1                   So my organization performs the  
2 planning for all of the work that is  
3 completed within electric operations.

4           Q    Do you do planning work for  
5 enhanced vegetation management?

6           A    We identify the priority miles  
7 based on risk that are required to have  
8 worked performed. And then the work is --  
9 that work package is handed off to the Major  
10 Projects and Programs Organization for  
11 execution.

12          Q    So is it fair to say you're the  
13 "plan" part of the EDM work?

14          A    Correct.

15          Q    Okay. Would that be the case also  
16 for say the Wildfire Safety Inspection  
17 Program? You're the plan part of that  
18 program?

19          A    That's where it gets fun. The  
20 Wildfire Safety Inspection Program as we had  
21 it dubbed in 2019 has now been incorporated  
22 into our regular work processes. So it's no  
23 longer a standalone program.

24          Q    But there's someone that -- so  
25 there's nobody that does -- that's not a  
26 plan, do, check kind of program then; is that  
27 right?

28          A    The components of work that were

1 part of the WISP are incorporated into our  
2 plan, do, check, function. The WISP  
3 inspections were the detailed inspections of  
4 our equipment. And we last year inspected  
5 nearly everything. Everything in our Tier 2,  
6 Tier 3 zones.

7 And this year we've committed to  
8 100 percent of the assets in the Tier 3  
9 areas, one-third of our assets in the Tier-2  
10 areas, and then keeping our Tier-01 areas on  
11 a five-year plan. That formulates into a  
12 specific work plan that is executed on in the  
13 major programs -- project and programs area.

14 Q So if I'm understanding you, your  
15 organization does not have responsibility  
16 anymore for Wildfire Safety Inspection  
17 Program; is that right?

18 A I would say we have the  
19 responsibility for planning that the work is  
20 going to occur. And we also have the  
21 reporting responsibility of what work has  
22 been completed to the higher levels of the  
23 corporation.

24 Q And sticking with that program, the  
25 Wildfire Safety Inspection Program, I think  
26 you said that that primarily comes under  
27 Major Project and Programs now; is that  
28 right?

1           A    So the inspections are performed in  
2   the Major Projects and Programs Organization.  
3   Any repairs or work that is identified to be  
4   performed is performed in the Electric  
5   Transmission Operations through the Electric  
6   Distribution Operations Organizations.

7           Q    Okay.  So if we look at major --  
8   we're back on 622 of the organization chart,  
9   page 622.  It's the third row, far left box  
10  is the Major Project and Programs  
11  Organization; correct?

12          A    Correct.

13          Q    And that directs us to page 623,  
14  which is the next page.  So then which boxes  
15  on that page would be Wildfire Safety  
16  Inspection Program boxes?

17          A    Depending on how you consider the  
18  Wildfire Safety Inspection.  If you're  
19  talking about our equipment and the specific  
20  equipment inspections that occur there?

21          Q    Let's start with transmission.  Who  
22  is doing transmission inspections?  Which  
23  box?

24          A    Transmission and distribution  
25  inspections are in the director of system  
26  inspections for the utility.  That's line 3  
27  under Mary Hvistendahl.

28          Q    Okay.  That's both transmission and

1 distribution you say?

2 A Correct.

3 Q And back on your testimony  
4 page 6-3, line 1, talking about your team.  
5 You're saying your team is primarily  
6 responsible for engineering, fire prevention,  
7 et cetera. What do you mean by engineering  
8 there?

9 A So my organization has the -- we  
10 have the asset management function for the  
11 organization. And it's part of the asset  
12 management function of the organization.  
13 There are engineers in our team who perform  
14 risk analysis who understand the health of  
15 our equipment and formulate the plans for the  
16 work that gets performed on the equipment.

17 Q And then continuing on to line 2,  
18 from line 1 to line 2, you use the term "fire  
19 prevention and mitigation." That's a broad  
20 term. What specifically are you -- is your  
21 group responsible for?

22 A So inside the organization under --  
23 inside the organization, we have protocols  
24 that we put in place during fire season that  
25 define processes whereby employees can  
26 actually perform work or are stood down from  
27 performing work based on the potential of  
28 fire threat. It's based on weather and



1 temperature condition and dryness of fuels.  
2 So we have a procedure that govern how that  
3 work would be performed.

4 We have crews whose function is for  
5 infracture protection. And they have skills  
6 similar to firemen, but they are not actual  
7 firemen, but they do more infrastructure  
8 protection work for us.

9 Q Okay. Now, going back to Wildfire  
10 Mitigation Plan Programs, where would we find  
11 the responsible entity in your organization  
12 chart for Grid Hardening Programs?

13 A So for the Grid Hardening Programs,  
14 my team would identify the sections of grid  
15 that would require to be hardened. And those  
16 get turned over to the Major Projects and  
17 Programs for engineering and construction.  
18 Sometimes other crews would do that, but the  
19 majority of that work gets performed in MPMP.

20 Q One last question that's a followup  
21 from the Center for Accessible Technologies'  
22 questions.

23 This may be for you,  
24 Ms. Maratukulam, which is: Who is  
25 responsible for keeping customers safe in  
26 PSPS events as best PG&E is able?

27 WITNESS MARATUKULAM: PG&E strives to  
28 ensure the safety of communities we serve

1 during PSPS events largely through in advance  
2 of the season. Ensuring that they're aware  
3 of the potential of them, the preparedness  
4 efforts they can and should be taking, and  
5 then during events through our notification  
6 directly to customers with the potential of  
7 being affected.

8 Q Okay. I understand that. But,  
9 again, it's a question of accountability and  
10 responsibility. Is that your organization  
11 that has that responsibility?

12 A My organization has billed the  
13 processes and procedures in place for  
14 executing an event. And that includes  
15 notification to affected customers. The  
16 safety of our communities I think is a joint  
17 and shared responsibility across many  
18 organizations from state to city and county  
19 officials.

20 Q This is a lot of words. But really  
21 my question's quite simple. Which  
22 organization of PG&E is responsible for  
23 keeping customers safe in a PSPS event as  
24 best PG&E is able? Is that yours?

25 A In keeping them safe as much as we  
26 can through ensuring they're aware of a  
27 potential event, yes. That is within our  
28 PSPS organization executed through our EOC.

1 Our customer section within our Emergency  
2 Operation Center.

3 Q Okay. Thank you.

4 MR. LONG: That's all of my questions.

5 ALJ ALLEN: Thank you.

6 Mr. Alcantar?

7 CROSS-EXAMINATION

8 BY MR. ALCANTAR:

9 Q Good afternoon. My name is Michael  
10 Alcantar. I represent the Energy Producers  
11 and Users Coalition in this proceeding as  
12 well for the purposes of this proceeding  
13 Indicated Shippers.

14 Ms. Powell, I would like to explore  
15 with you the paragraph that is on page 1 of  
16 your testimony, PG&E-01, page 6-1, beginning  
17 at line 20. That paragraph introduces your  
18 exposure if you will -- I'm laughing -- to  
19 your knowledge of AB 1054.

20 You agree do you not that AB 1054  
21 provides for certain protections for  
22 ratepayers from costs that may be incurred by  
23 PG&E associated with wildfire liabilities and  
24 bankruptcy exposure?

25 MR. RUTTEN: Object. It's lacking  
26 foundation. Calling for legal conclusion.

27 ALJ ALLEN: Overruled.

28 She can answer if she knows.

1           WITNESS POWELL: I don't have a legal  
2 background.

3 BY MR. ALCANTAR:

4           Q I'm not asking for -- I'm asking  
5 for what your stated understanding is right  
6 here in your testimony?

7           A Although what I know and have heard  
8 about AB 1054 -- what I have heard is that  
9 the company will not negatively impact our  
10 customers through these proceedings.

11          Q Do you know the term "baseline" as  
12 it's referred to in AB 1054?

13          A I do not.

14          Q So you're not aware of which costs,  
15 but just generally there are some costs that  
16 this statutory protection applies for  
17 ratepayers; is that a fair statement?

18          A It is.

19          Q Do you have any question that the  
20 Commission will determine whether or not  
21 actions that are undertaken by your  
22 organization are deemed just, reasonable, and  
23 recoverable from ratepayers?

24          A I am aware that there are  
25 proceedings for recovery of costs associated  
26 with some of the work that we perform that do  
27 enter into a separate proceeding of the CPUC.  
28 Beyond that high-level snippet of knowledge,

1 I do not have the details.

2 Q So what do you think this  
3 proceeding is about in respect -- with  
4 respect to the recovery of such costs?

5 A I think that's outside the scope of  
6 my chapter of testimony.

7 Q So this is the level of your  
8 understanding -- I'll leave that alone.

9 Do you have a spreadsheet, or were  
10 you aware of any information that's been  
11 provided in this record by you or others that  
12 would identify the total cost for the  
13 programs you're overseeing with respect to  
14 wildfire plans?

15 A I have not specifically seen a  
16 spreadsheet regarding those costs.

17 Q Do you know what total costs PG&E  
18 has expended for the programs you're  
19 overseeing to date that it will seek recovery  
20 for?

21 A I don't have a breakdown of that.

22 Q Do you have a round figure about  
23 what it is?

24 A I don't know the 2019 costs. I  
25 know the costs of implementation of our work  
26 in 2020 what they are projected to be.

27 Q Okay. What is that?

28 A It's projected to be about

1     \$3.2 billion.

2           Q     Okay.  You've used the term a few  
3     times in your testimony.  The term "repairs."  
4     Can you distinguish the term repairs from  
5     hardening?

6           A     I can.  So when you think about  
7     repairs of a piece of equipment, take your  
8     car.  Do you have a vehicle?

9           Q     I do have a vehicle.  I have a few  
10    of them.

11          A     Okay.  So when your car gives you a  
12    warning light that tells you it needs to go  
13    in and be repaired, you do that generally;  
14    right?

15          ALJ ALLEN:  Let's make sure  
16    Mr. Alcantar is asking the questions.

17          THE WITNESS:  I'm sorry.  I'm trying to  
18    explain in sort of lay terms.

19          ALJ ALLEN:  Ask if Mr. Alcantar  
20    understands how his car works.

21          THE WITNESS:  Okay.  Good.  So same  
22    thing with our assets.  We inspect them.  
23    When we inspect them, we identify conditions  
24    that require something to be done about them.  
25    We schedule and perform that work.  That's  
26    what I consider a repair.

27                 When you think about system  
28    hardening, system hardening is whether we're

1 putting in composite poles; whether we're  
2 putting in wires that have an insulating  
3 material on the outside so that there can't  
4 be vegetation contact with them that might  
5 spark some kind of interaction. Those are  
6 the kinds of things where even undergrounding  
7 our infrastructure are items that are  
8 considered hardening.

9 Q So let me give you a non-car  
10 analogy back. Let's assume I'm PG&E, and I'm  
11 operating a grid and I happen to serve the  
12 area that is commonly now referred to as  
13 Paradise. And I have equipment there that  
14 has failed. If you will, I ran my car over  
15 somebody. And now I'm seeking recovery of  
16 costs to repair the transmission towers --  
17 repair and replace the transmission towers,  
18 the type of wiring, the system that was there  
19 that caused the catastrophic damage. Is that  
20 a grid-hardening expense that you expect to  
21 recover? Or is that a repair liability that  
22 you as PG&E shareholders will bare?

23 A I have to be perfectly honest. I  
24 do not know the cost treatment of the  
25 infrastructure work being performed in the  
26 Paradise area.

27 Q Well, would it help you if it was  
28 not the Paradise area? Let's just assume

1     it's a PG&E piece of equipment that causes  
2     injury to someone or something, and it needs  
3     to be repaired. Is that a cost that you  
4     would classify as grid hardening and subject  
5     to potential recovery from ratepayers? Or as  
6     a repair for liabilities that PG&E has for  
7     its shareholders? ]

8           A     When we have equipment repair that  
9     is necessary, those items are typically  
10    funded through our rate case.

11          Q     Yes. And I'm asking you a  
12    distinction between what's typical. I don't  
13    think it's typical that we start wildfires.  
14    So, you have a repair that you must fulfill  
15    and you make no distinction between grid  
16    hardening and repair recovery in those  
17    circumstances is, I think, what I'm hearing  
18    from your testimony; is that fair?

19          A     I'm not sure I have the financial  
20    background to make a determination to answer  
21    your question.

22          MR. ALCANTAR: Your Honor, given the  
23    responses to those questions, I have nothing  
24    further.

25          ALJ ALLEN: Thank you, Mr. Alcantar.

26                 Mr. Strauss, did you have some  
27    questions?

28          MR. STRAUSS: Yes, your Honor, thank



1     you.

2                               CROSS-EXAMINATION

3     BY MR. STRAUSS:

4               Q     My name is Ariel Strauss. I'm here  
5     on behalf of SBUA, Small Business Utility  
6     Advocates. I have a question for the panel  
7     because I don't know the best person to  
8     direct this question to, and that question is  
9     regarding the overall price tag to the public  
10    for the 2019 PSPS de-energization events.

11               Does PG&E have a calculation for  
12    the overall impact to the public of those  
13    events?

14               WITNESS MARATUKULAM: I can answer.  
15    No, PG&E does not have a calculation of  
16    estimated cost to the public.

17               Q     Thank you. Previously the holding  
18    company CEO testified that he expects that  
19    the need for PSPS events could be eliminated  
20    in the coming 10 years. I understand that  
21    means that certain work could be done to the  
22    infrastructure that would eliminate the need  
23    for PSPS events; is that correct?

24               MR. RUTTEN: I'll object as  
25    mischaracterizing the testimony.

26               ALJ ALLEN: Overruled.

27               WITNESS MARATUKULAM: I'm not  
28    specifically aware of the exact language that

1 the CEO used in describing that projection.  
2 I can say that PG&E is working diligently to  
3 minimize the impacts of PSPS events going  
4 forward starting now working on asset-based  
5 solutions to minimize the scope, frequency,  
6 and duration.

7 BY MR. STRAUSS:

8 Q So my question is without regard to  
9 any previous testimony, is it possible to  
10 eliminate the need for PSPS events based on  
11 activity to be conducted and changes to be  
12 made to the transmission or other equipment  
13 that PG&E now holds?

14 WITNESS MARATUKULAM: I believe PG&E  
15 has an opportunity to significantly reduce  
16 the impact and potential for PSPS events, but  
17 the reality of it is these are weather-driven  
18 events. We do not know the severity of  
19 whether that will occur in the future that  
20 could require de-energization.

21 Q Okay. Ms. Maratukulam, on page  
22 6-13 of your testimony sponsored, you state:

23 For the 2020 wildfire  
24 season as a result of  
25 leveraging more granular  
26 data and deploying  
27 additional  
28 sectionalization devices,

1 field team  
2 pre-positioning  
3 microgrids and other  
4 activities, the utility  
5 is targeting to reduce  
6 the number of customers  
7 affected by individual  
8 PSPS events by nearly  
9 one-third.

10 Is this a fair representation to  
11 say that that one-third target is based on a  
12 retrospective study of actions that could  
13 have been taken to limit the effect of the  
14 October and November 2019 PSPS events?

15 A That analysis was performed at the  
16 end of the season looking back at our largest  
17 event, October 26th, and the impact, scope,  
18 and scale of that event specifically.

19 A case study was performed to  
20 evaluate if we had various mitigation  
21 measures in place, and which are described  
22 there, what would the potential reduction in  
23 customer impact be. And from that case study  
24 specifically, the one-third number was  
25 derived.

26 Q And will all those activities that  
27 were identified be conducted in 2020 across  
28 all the areas in which PSPS events could

1 occur?

2 A Yes. So while the case study was  
3 performed on the 10-26 event specifically, we  
4 are working to operationalize those  
5 mitigation efforts across the high-fire  
6 threat district.

7 Q And is it on target to be completed  
8 in 2020?

9 A As Debbie alluded to, the execution  
10 of a lot of this asset-based work is it sits  
11 within other organizations and I'm not  
12 familiar with their current work progress.

13 Q Would you then say that the target  
14 of a one-third reduction in impact or the  
15 number of customers impacted is speculative?

16 A It is based on that case study in  
17 particular, so that one-third reduction would  
18 be reached if we had the same event occur in  
19 the same area. Weather is dynamic. We will  
20 see how this year plays out, where it plays  
21 out, and to what severity.

22 Q Thank you. In response to  
23 Ms. Kasnitz's line of questioning,  
24 Ms. Maratukulam, you confirmed you're of the  
25 public harm of the PSPS event. Has PG&E  
26 assessed the risks of specific negative  
27 public safety outcomes of PSPS events?

28 A Broadly we look across our customer

1 base at the potential effects of  
2 de-energization and are working with our  
3 customers to identify them and ensure that  
4 preparedness efforts are put in place.

5 Q But with respect to specific  
6 events, so let's say has PG&E been in touch  
7 with CHP to identify whether there have been  
8 more car accidents during PSPS events?

9 A No. I don't believe that we have  
10 attempted to quantify the effects from other  
11 agencies. We are working to -- we stood up a  
12 series of listening sessions coming out of  
13 the fall events to visit all of the affected  
14 cities and counties and to hear from them  
15 feedback of what they would like to see  
16 executed differently.

17 So, I would imagine, though I  
18 haven't seen the results of those listening  
19 sessions, that there was some feedback  
20 received or input given in terms of the  
21 facts. Our goal with those listening  
22 sessions is to learn how we can improve going  
23 forward.

24 Q And without that data, the specific  
25 data on specific outcomes, how does PG&E  
26 determine that the benefits of  
27 de-energization outweigh potential public  
28 safety risks?

1           A    Each event is dynamic so we're  
2   working during the event to reach out to  
3   local officials, city and county agencies,  
4   and first responders, to make them aware of  
5   the event and learn of what the potential  
6   effects could be. That is brought into our  
7   decision-making awareness of what we are  
8   informed of as potential effects.

9           Q    Did you just say "during the  
10   event"?

11          A    Yes.

12          Q    My question pertains to prior to  
13   the event in terms of decision making about  
14   whether de-energization will be initiated or  
15   not.

16          A    In advance of events, we're working  
17   to mitigate those potential effects so when  
18   it comes down to making the actual decision,  
19   we really do require that we have the  
20   scenario in front of us to know what risks we  
21   have to balance.

22          Q    Thank you.

23                   That completes my questions, your  
24   Honor.

25          ALJ ALLEN: Thank you.

26                   Mr. Abrams, any other cross?

27   Mr. Abrams, go ahead.

28          MR. ABRAMS: Thank you, your Honor.

CROSS-EXAMINATION

BY MR. ABRAMS:

Q Thank you, panel. I have some questions just following up on some of the previous questions in this proceeding.

Specifically, Ms. Powell, you mentioned sort of this plan to check differentiation. As I look through the testimony in the section, one thing that struck me is that it's a description of past activities or current activities. Given that this is a Plan of Reorganization and you are the head of that planning function, I was expecting to see more planning represented in the testimony.

Can you explain, please, why there wasn't more planning and future and a discussion about what's going to happen going forward in the testimony?

WITNESS POWELL: When I think about the Chapter 6 as part of the plan of the reorganization and the concerns in the state about wildfire mitigation and Public Safety Power Shutoff, we felt those topics and the plan of what we are doing, which we referenced, the Wildfire Mitigation Plan, which is a very large document describing in a lot of detail the work that we're

1 performing in 2020 and beyond to mitigate the  
2 potential effects of wildfire, this seemed  
3 most relevant given the Plan of  
4 Reorganization.

5 Q So the bankruptcy and the Plan of  
6 Reorganization is in response to -- and the  
7 reason why PG&E is in bankruptcy -- is in  
8 response to a poor track record to this date.  
9 And so part of what I imagine the Commission  
10 and parties and the public are looking for is  
11 a course correction, is a recognition of  
12 what's transpired in the past, but a  
13 forward-looking view of here's what we're  
14 going to be doing differently going forward.

15 So what have you described in your  
16 testimony in terms of the planning function  
17 in the testimony that is different that will  
18 provide a level of confidence that things  
19 will change moving forward?

20 A I would refer you to the Wildfire  
21 Mitigation Plan, which was filed, I think,  
22 about a week after this testimony was filed.  
23 The Wildfire Mitigation Plan has more than  
24 200 pages about what we are doing to mitigate  
25 that risk and to implement additional items  
26 in 2020 and beyond to address the wildfire  
27 threat.

28 Q So how has that been incorporated



1     into the Plan of Reorganization, which is the  
2     official organizational framework for how  
3     that Wildfire Mitigation Plan is going to be  
4     supported? Where is the forward looking  
5     here's how we're going to change to address  
6     what you just described?

7             A     I'm not sure I understand your  
8     question.

9             Q     So reorganization, restructuring,  
10    is a change in course. Would you not say  
11    that that's a correct statement?

12            A     I'd agree that it's a plan for how  
13    the company will move forward.

14            Q     Okay. So not a change --

15            A     I didn't say that.

16            Q     Well, I'm asking. It's a question.  
17    Is that not a change?

18            A     It's a plan.

19            ALJ ALLEN: Let's have one person talk  
20    at a time.

21                   Go ahead, Mr. Abrams.

22    BY MR. ABRAMS:

23            Q     So you said it's a plan. What I'm  
24    asking for is the Plan of Reorganization,  
25    plan of restructuring, meant to be a change  
26    in terms of how you move forward?

27            WITNESS POWELL: I could agree with  
28    that.

1           Q    Do you?  I appreciate that.  Do you  
2   agree with that?

3           A    I do.

4           Q    So given that you feel like the  
5   Plan of Reorganization, the plan of  
6   restructuring is a change in the path ahead,  
7   where in your testimony do you describe that  
8   change in the plan?  How are you doing things  
9   differently?

10          ALJ ALLEN:  Let me just ask a question  
11   to clarify.

12                               EXAMINATION

13   BY ALJ ALLEN:

14          Q    Ms. Powell, am I correct that none  
15   of the wildfire safety measures in Chapter 6  
16   or their costs are actually part of the Plan  
17   of Reorganization; is that correct?

18          WITNESS POWELL:  Our Plan of  
19   Reorganization is a financial plan that  
20   includes the body of work that is included in  
21   our Wildfire Mitigation Plan.

22          Q    So the costs and measures in the  
23   wildfire mitigation or at least the costs of  
24   the Wildfire Mitigation Plan are taken into  
25   account in the Plan of Reorganization;  
26   correct?

27          A    Correct.

28          Q    But the measures in either

1 Chapter 6 or in the Wildfire Mitigation Plan  
2 are not part of the Plan of Reorganization;  
3 is that correct?

4 A I have to ask a question. I don't  
5 understand what you mean by "the measures."

6 Q Well, in Chapter 6, there's  
7 Enhanced Vegetation Management Program,  
8 system hardening, Wildfire Safety Inspection  
9 Program, Public Safety Power Shutoff Program,  
10 all of these things with the numbers. Those  
11 elements, those measures, are not actually in  
12 the Plan of Reorganization; is that correct?

13 I understand that certain of those  
14 costs may be, but the Plan of Reorganization  
15 doesn't describe any of those?

16 A The Plan of Reorganization doesn't  
17 describe the very detailed plans that we have  
18 in our wildfire mitigation mitigation plan.

19 Q Now, I know this is not your  
20 testimony, but could you turn to page 10-3 of  
21 PG&E Volume 1. On page 10-3, if you go to  
22 line nine, it states:

23 For example, changes in  
24 rates that result from  
25 costs of PG&E would have  
26 had to incur to improve  
27 the safety of the system  
28 regardless of whether or

1 not PG&E emerged from  
2 Chapter 11 pursuant to  
3 PG&E's plan are  
4 independent of the plan.

5 What does that mean if you  
6 understand that? It sounds like the costs of  
7 these measures are not -- that they're  
8 independent of the plan or separate and I  
9 know that is Mr. Kenney's testimony.

10 A I'm sorry, I'm not an expert in  
11 this area.

12 Q Thank you. So, if I understood the  
13 answer, to the extent you could answer the  
14 question, the specific safety measures that  
15 are identified in Chapter 6 are not actually  
16 incorporated into the plan specifically?

17 If I pick up the Plan of  
18 Reorganization and I read it, am I going to  
19 find anything about PSPS or system hardening?

20 A The Wildfire Mitigation Plan or the  
21 Plan of Reorganization?

22 Q Plan of Reorganization.

23 A I haven't been at that level of  
24 detail to know an answer to that question.

25 Q Thank you.

26 Go ahead, Mr. Abrams.

27 MR. ABRAMS: Thank you.

28 ///

CROSS-EXAMINATION RESUMED

BY MR. ABRAMS:

Q Given that the bankruptcy and Plan of Reorganization is in direct response to the fact that we've had catastrophic wildfires for which your organization is charged with creating a plan to address, do you find it disconcerting that your efforts are disconnected from the Plan of Reorganization?

WITNESS POWELL: I don't believe our efforts are disconnected from the Plan of Reorganization. What I can't speak to are the details of the treatment.

Q Sorry, Ms. Powell, I'm trying to understand. If you, who is in charge of the planning for wildfire mitigation, don't know to what extent to incorporate in the Plan of Reorganization, then it's hard for me to understand who would.

I mean, this is why -- I mean, if there's some other person that we haven't heard from yet today about how wildfire mitigation is going to be treated differently going forward, then please let us know. I would ask that we add them to the proceeding.

But I mean that's why -- primarily why we're here. So can you please address

1     that.  Is there somebody else who can talk to  
2     how wildfire mitigation is addressed in the  
3     Plan of Reorganization?  Is there something  
4     we're missing?

5             MR. MANHEIM:  Your Honor, can we go off  
6     the record for a moment?

7             ALJ ALLEN:  Well, let's see if she can  
8     answer the question first if she knows.

9             WITNESS POWELL:  I can't.

10            ALJ ALLEN:  Do you still want to have  
11     an off-the-record discussion, Mr. Manheim?

12            MR. MANHEIM:  Yes.

13            ALJ ALLEN:  Let's go off the record.

14                    (Off the record.)

15            ALJ ALLEN:  On the record.

16                    Mr. Manheim, I believe you offered  
17     to do a clarifying statement of counsel.

18            MR. MANHEIM:  Yes, your Honor, thank  
19     you.  I think there's been some confusion  
20     about what is in PG&E's Plan of  
21     Reorganization versus the testimony that PG&E  
22     has submitted in this proceeding and for what  
23     purpose.

24                    PG&E's Plan of Reorganization is a  
25     defined document.  It is a plan that is  
26     before the bankruptcy court, and it addresses  
27     resolution of claims in the bankruptcy court.  
28     The plan itself does not incorporate the

1 Wildfire Mitigation Plan. It does not  
2 include any costs associated with PG&E's  
3 operations.

4 It solely addresses the resolution  
5 of claims and the financing and the raising  
6 of capital to pay those claims. In this  
7 proceeding, the Commission is addressing the  
8 standards in AB-1054 which requires the  
9 Commission to make a number of findings with  
10 respect to that Plan of Reorganization.

11 As in Ms. Powell's testimony on page  
12 6-1, as Mr. Alcantar, I believe, asked, it  
13 identifies a provision of AB-1054 on page  
14 6-1, line 20, which is Public Utilities Code  
15 Section 3292(b)(1)(c), which requires the  
16 Commission in evaluating the reorganization  
17 plan and associated documents to consider  
18 whether the resulting governance structure is  
19 acceptable in light of the utility's safety  
20 history, criminal probation, recent financial  
21 condition, and other factors deemed relevant  
22 by the Commission.

23 It's in this respect that PG&E is  
24 offering testimony about its Wildfire  
25 Mitigation Plan and it's ethics and  
26 compliance program and it's risk program.  
27 We've heard testimony from several witnesses,  
28 these are all aspects of PG&E's proposal to

1 the Commission in how it will be improving  
2 its safety focus and improving its culture.

3 That is provided so that the  
4 Commission can evaluate the Plan of  
5 Reorganization with respect to these other  
6 programs. We are not seeking cost recovery  
7 of the wildfire mitigation program as part of  
8 the Commission's decision in this proceeding.  
9 There are no costs associated with wildfire  
10 mitigation in this proceeding.

11 The only costs addressed by the Plan  
12 of Reorganization are the costs associated  
13 with wildfire claims which are resolved  
14 through that proceeding.

15 ALJ ALLEN: Thank you, Mr. Manheim.

16 Mr. Abrams, is that clarifying?

17 MR. ABRAMS: Not really, your Honor.

18 Q So here's my clarifying question,  
19 and whomever wants to answer it can. My  
20 clarifying request is this: Unlike that  
21 characterization of the Plan of  
22 Reorganization, part of what a Plan of  
23 Reorganization must show is sound business  
24 judgment. It's a forward-looking description  
25 of what that business judgment is and that is  
26 a foundational principal of the Plan of  
27 Reorganization.

28 Similarly, that aligns to what the



1 Commission is looking at, which is the safety  
2 culture, which is being able to have a plan  
3 that demonstrates that functionally that  
4 looking forward that we're actually going to  
5 have a safety culture within PG&E that's  
6 responsive that's different from what led  
7 them into bankruptcy. So all of this is very  
8 relevant and I don't see it described in this  
9 section.

10 ALJ ALLEN: Well, I have to say the  
11 Commission's safety culture proceeding did  
12 get somewhat interrupted by the bankruptcy.  
13 Well, given that, I'm not sure you're going  
14 to get much of what you're looking for from  
15 this panel. If you have some specific  
16 questions, feel free to ask them, but  
17 otherwise we may need to move along. I think  
18 certainly in any briefing you do on this  
19 topic, you're certainly welcome to use the  
20 statement of Mr. Manheim and the answers you  
21 got from these witnesses to make whatever  
22 arguments you want regarding the adequacy of  
23 the testimony and/or the Plan of  
24 Reorganization. But I'm not sure you're  
25 going to actually get much more on  
26 cross-examination. ]

27 MR. ABRAMS: I will -- I will try. So  
28 if I can have a little more time, please,

1 to --

2 ALJ ALLEN: Try briefly.

3 MR. ABRAMS: Okay. I think I did, for  
4 this panel, have -- anyway, but, I -- I will  
5 try to move this as quickly as possible.

6 Q So, Ms. Powell, continuing along  
7 with your analogy of the car, I appreciate  
8 that, and what I want to understand is what  
9 are those things within your plan that are  
10 like my car that are going to be based on  
11 telemetry-type devices and provide some of  
12 that smart grid development over the future,  
13 looking into the future, and what it's going  
14 to entail with that type of intelligence  
15 looking forward?

16 WITNESS PENDER: I can take that one.  
17 Our Wildfire Mitigation Plan has a lot more  
18 detail on emerging technologies or  
19 alternative technologies that we're  
20 leveraging in our system to help inform the  
21 wildfire risk and further reduce that  
22 wildfire risk. And so, while there's only a  
23 little bit mentioned here, of course,  
24 Mr. Abrams, you're aware of our extensive  
25 Wildfire Mitigation Plan that was filed last  
26 month, in February, where we talk about  
27 technologies ranging from commercially  
28 available that we are installing on our

1 system, piloting our system, to the R&D  
2 phase, right, or -- or in the research phase  
3 of just learning about how certain tools  
4 could be leveraged to understand our system  
5 even better and further reduce the risk. So  
6 as you talk about telemetry and those kind of  
7 intelligence tools, we have a section on  
8 that. There are also areas of predictive  
9 modeling that we are using the data streams  
10 that we currently have to give us an earlier  
11 alarm bell that something on our system may  
12 not be working correctly, and gives us extra  
13 insight to go repair that piece of equipment  
14 or identify if a replacement is necessary.  
15 So we can talk in more detail, if you're  
16 interested in particular ones, but we've --  
17 we've outlined the asset replacement  
18 activities like grid hardening, the  
19 inspection program, which provides visual  
20 either through photos or the naked eye, and  
21 then we're also exploring those advanced  
22 technologies or alternative technologies to  
23 make the grid and our understanding of it  
24 better.

25 Q Thank you. So I'm just looking  
26 through my questions here to make sure I  
27 understand which still apply, given the back  
28 and forth that we just had.

1                   So Ms. Kasnitz earlier asked  
2                   regarding how you assess the risks associated  
3                   with the power shutoffs and the risks that  
4                   PG&E faces with that, and comparatively look  
5                   at what the risks are to shutting off the  
6                   power, and what a resident might do to start  
7                   a fire or cause an ignition.

8                   Can you help us understand how you  
9                   quantify that? How do you quantify your risk  
10                  versus the risk of the public starting the  
11                  fire?

12                 WITNESS MARATUKULAM: PG&E does not  
13                 have a formula by which we attempt to  
14                 quantify either the risk of the catastrophic  
15                 fire versus public safety risk. We're  
16                 focused on mitigating both aspects of that  
17                 risk to the best of our abilities.

18                 Q    So given that that's not a  
19                 quantified estimate where it's 20 percent  
20                 risk for PG&E, but ten percent risk for the  
21                 public, and therefore, you make a decision  
22                 based on that, can you please tell us how you  
23                 evaluate that, I guess, in a very subjective  
24                 way, to determine what those risks are? How  
25                 do you -- how do you determine that?

26                 A    I wouldn't characterize it as  
27                 subjective. Our -- our evaluation of the  
28                 potential risk of catastrophic fire during

1     these high-risk weather events is  
2     data-driven. It is based on essentially two  
3     main factors, the potential for what we call  
4     our outage-producing winds, a wind to cause  
5     an outage on our system, which is essentially  
6     a proxy for a potential ignition, along with  
7     the potential for, should ignition occur, a  
8     fire to spread catastrophically. We measure  
9     that on what we call our fire potential  
10    index. Both of these are described in our  
11    Wildfire Mitigation Plan. Our meteorology  
12    and fire science team is monitoring the  
13    conditions of weather forecasts constantly,  
14    even now, especially during wildfire season,  
15    for the potential concurrence of those two  
16    factors, and when they -- when they do occur  
17    on the forecast and currently is when we  
18    start to evaluate initiation of a PSPS event.  
19    Given the potential scope of that event, as I  
20    mentioned before, we started doing our  
21    outreach to the city and county officials and  
22    public safety partners to make them both  
23    aware of the potential event and to gather  
24    information on what impacts may occur as a  
25    result of de-energization.

26           Q     Thank you. It's really the  
27     assessment that I'm trying to focus on here.  
28     And so the criteria that you just described

1 are the same criteria for PG&E as it is for  
2 the public. So if you just described wind  
3 and weather -- and all of those things are  
4 going to exist where my home is located and  
5 where the power line is above my home.

6 So my question is -- is: How are  
7 you assessing the relative risk of PG&E  
8 versus the public? So what are those  
9 measures that you look at? So the measure  
10 of, you know, someone running out and  
11 generators and looking at the statistics  
12 associated with what is the likelihood of a  
13 generator-caused fire or a campfire that  
14 somebody's trying to cook their food before  
15 the food goes bad in their refrigerator, all  
16 sorts of risks associated with the public  
17 during power shutoffs. So how -- you know,  
18 none of what you described there gets to  
19 that.

20 How do you take those factors into  
21 consideration, based on the events that you  
22 have before you, for a particular shutoff?

23 A PG&E is not attempting to ensure  
24 that the public broadly does not create fire  
25 risk. I think that is -- it is a -- an onus  
26 of ours to ensure that our equipment does not  
27 ignite fires. We do work to educate our  
28 customers on potential fire risks associated

1 with de-energization, largely around  
2 generator use. But, we do rely on our local  
3 officials, CAL FIRE and other firefighting  
4 agencies to broadly ensure that the public is  
5 aware, even outside of de-energization, of  
6 the potential of fires in California being  
7 sparked from a variety of sources.

8 Q So given that, those risks are not  
9 calculated or known to PG&E or not factored  
10 in, are you not concerned, as a customer or  
11 someone who's living in PG&E territory, that  
12 given that you're only assessing one side of  
13 the equation, which are the risks to PG&E or  
14 the risks that PG&E could cause, and not the  
15 other side of the equation that there could  
16 be a extreme weather event where it actually  
17 would be better, might be still risky for  
18 PG&E, to some extent, but the risks are  
19 higher for the public in terms of what their  
20 actions are, and that you're not looking at  
21 that at all? Is that not a concern of yours?

22 A I don't think it's a fair  
23 characterization to say that we're not  
24 looking at it at all. I think that our  
25 outreach campaigns and education around fire  
26 season awareness and partnership with local  
27 fire councils point to us recognizing that  
28 fire risk needs to be recognized broadly

1 across California. But, our focus during  
2 PSPS events is to ensure that our assets do  
3 not ignite a catastrophic fire.

4 Q Mr. Pender, you mentioned in your  
5 testimony a little bit earlier that you  
6 are -- have a quality assurance program, and  
7 that you have a quality control program.  
8 That's a little different than my  
9 understanding.

10 So can you help me understand what  
11 is -- makes a quality assurance program and a  
12 quality control program, and how those are  
13 different?

14 WITNESS PENDER: So as it relates to  
15 our vegetation management programs, we have  
16 quality assurance programs for both our  
17 routine vegetation management and our  
18 enhanced vegetation management. Those  
19 quality assurance programs do take a sample  
20 of the work that we've performed or of the  
21 areas in our system, and assess those  
22 locations from just comparing the vegetation  
23 in those areas as compared to our standards  
24 or the regulatory requirements. And so,  
25 regardless of how recently those areas were  
26 worked or who performed the work, those --  
27 that quality assurance assessment is trying  
28 to assess the entire process, our -- our



1 whole process of activity, to see if the  
2 outcomes in our system match what we desire.  
3 Right? And so did the -- was the process  
4 successful in giving us what we wanted, in  
5 the terms of routine veg management, are the  
6 trees far enough away from our lines to not  
7 violate the minimum compliance requirements.  
8 Quality control is much closer to the  
9 performance of the work, and is assessing did  
10 each person in the process do what their job  
11 was; so did the pre-inspector identify the  
12 right trees to then be trimmed, did the tree  
13 trimming company tree the -- trim the trees  
14 or remove the trees to our standard and in  
15 the way that they were instructed. And so  
16 the quality control, also called work  
17 verification for our enhanced vegetation  
18 management program, is the caboose behind our  
19 work process, behind our tree trimmers doing  
20 the work, our work -- our QC, or work  
21 verification inspectors, are following right  
22 behind them to check the work, and make sure  
23 that things were performed and each person  
24 did their job correctly. So together those  
25 two activities, the kind of similar and --  
26 and related, provide us a more robust  
27 perspective on the performance of our  
28 process. QC provides us an insight into are

1 people in the process doing the right things,  
2 and QA tries to provide a higher level  
3 perspective in the overall process getting us  
4 the outcomes we want.

5 Q Okay. So the traditional  
6 description of quality control as a  
7 measurement tool in the measure is not  
8 something that PG&E considers a quality  
9 control? You look at it differently?

10 A I don't understand the question.  
11 Sorry.

12 Q So quality control, in a total  
13 quality management plan, is typically the  
14 tool that you're measuring with, the  
15 monitoring tool, if you will, along with the  
16 measure that you are looking at, wind speed  
17 or system hardening or whatever that measure  
18 is; and so that's the quality control that's  
19 part of your quality assurance program.

20 So are you saying that the quality  
21 controls that you're talking about are not  
22 part of your quality assurance program, like  
23 a total quality management plan?

24 A We would consider our overall  
25 quality program to include our quality  
26 control efforts and our quality assurance  
27 process, programs, as our comprehensive view  
28 of quality, particularly in the space of

1 enhanced vegetation management; so QC -- as I  
2 outlined previously, QC being more narrowly  
3 focused on each piece of the puzzle doing its  
4 job, and QA looking over all of the process.

5 Q How do you ensure PSPS  
6 notifications are effective?

7 WITNESS MARATUKULAM: Our goal is to  
8 ensure that customers are notified in advance  
9 of events, and we strive to provide as clear  
10 communication about the potential timing and  
11 impacts of the events in those  
12 communications. We did learn coming out of  
13 the large-scale events that we conducted last  
14 year -- we received a lot of feedback on how  
15 to improve those, and our customer  
16 organization has been reaching out to  
17 customers in a variety of different ways to  
18 get an idea on what kinds of information they  
19 want to see in those notifications. Some of  
20 those venues include customer focus groups  
21 across the service territory to get direct  
22 feedback on their experience and working  
23 through sort of, you know, sessions with  
24 customers, again, so that we can work to  
25 improve the process of notifications and the  
26 information that we're providing accordingly.

27 Q Earlier you indicated that you're  
28 not sure what the next wildfire season will

1 hold.

2 As PG&E's looking ahead to this  
3 wildfire season, given the fact that, at  
4 least from what I've looked at, the  
5 precipitation levels for February are record  
6 lows, what is your expectation about the  
7 risks going into this wildfire season?

8 A I'm not a meteorologist, so I can't  
9 prognosticate on what fire season's going to  
10 look at -- look like. I agree with you. I'm  
11 concerned that we haven't had as much  
12 precipitation as we would like. I was  
13 encouraged by seeing a little bit over the  
14 weekend. Dryness is one factor, the amount  
15 of fuels available to potentially contribute  
16 to a catastrophic fire is another aspect, and  
17 then just the number of wind events that come  
18 through, which we have no visibility into the  
19 potential of. So it's hard to come up with  
20 even a guess. I don't know that you could  
21 pin any meteorologist down right now with an  
22 estimate of what -- what the season would  
23 look like.

24 Q So with your first iteration of the  
25 Wildfire Mitigation Plan, you filed a second  
26 amendment to that plan, and in that second  
27 amendment, among other things, you changed  
28 targets, you crossed out results as the basis

1 for how you would assess vegetation  
2 management. And the Commission did not move  
3 forward with that amendment, but through that  
4 process, it seemed that right before wildfire  
5 season there was a changing of the goalposts.

6 How do we ensure through the plan  
7 of reorganization and through a course  
8 correction for PG&E that what you talk about  
9 in your testimony and the specifics within  
10 the Wildfire Mitigation Plan are things that  
11 we can count on versus things that we will  
12 have a change right before we go into  
13 wildfire season, dependent upon how risky you  
14 then assessed the season's going to be?

15 WITNESS PENDER: So that's a important  
16 topic, which is continuous improvement, and  
17 therefore, some evolution and change in our  
18 tactics and activities as it relates to the  
19 Wildfire Mitigation Plan.

20 So as you mentioned, last year,  
21 between when we filed our initial plan on  
22 February 6th and when we filed our second  
23 amendment on April 25th, I believe, we  
24 already began to learn some things about how  
25 different activities were playing out in the  
26 field and what would be effective or less  
27 effective in mitigating wildfire risk. And  
28 so our second amendment last year reflected

1 our latest and greatest insight into how we  
2 would perform our activities. As -- if you  
3 compare our 2019 Wildfire Safety Plan to our  
4 2020 Wildfire Mitigation Plan, you see  
5 evolution in a number of our programs and  
6 continuous learning, PSPS being a big factor  
7 there, or a big area where we've added  
8 additional programs and activities. And so  
9 I -- we all are on this continuous  
10 improvement and continuous learning journey  
11 together, and so that's what you should take  
12 from that process, right, the fact that we  
13 filed a second amendment, the fact that we  
14 continued to move forward and learn from what  
15 we did in 2019 to inform our 2020 plan.  
16 So --

17 Q Sorry. If I can -- my -- my  
18 question, if I can, is -- is really around  
19 the trust gap. So we've had horrific  
20 wildfire seasons. We've had plans provided  
21 by PG&E that were changed right before  
22 wildfire season.

23 For the public to be able to look,  
24 for the Commission to be able to look at your  
25 Wildfire Mitigation Plan and count on it for  
26 how PG&E's going to respond in wildfire  
27 season, as opposed to changing the goalposts,  
28 how can we trust, how can we have confidence

1     that a plan of reorganization is not going to  
2     produce changing goalposts, is not going to  
3     produce -- you know, how is there going to be  
4     accountability, if you can change the  
5     goalposts, how -- how is the Commission going  
6     to understand that, and the public?

7           A     So accountability and continuous  
8     improvement can go together as part of an  
9     ongoing partnership in evolution between PG&E  
10    and our regulators and our public and  
11    partners, stakeholders like yourself, and so  
12    we were very transparent through the 2019  
13    process, Wildfire Safety Plan process, about  
14    what we were learning and where we were at.  
15    The second amendment was not adopted. We  
16    didn't change the goalposts. We continued to  
17    report our performance against the original  
18    goalposts, if you will, the original targets  
19    expressed in our Wildfire Safety Plan, and  
20    there are expected to be, you know, an  
21    independent evaluator process and such to  
22    evaluate how the utilities did, including  
23    PG&E, against our plan. So we appreciate the  
24    trust gap that you mentioned and the  
25    challenge with helping all of those  
26    stakeholders understand what we're working  
27    towards and why those are the right things to  
28    work towards. That's what the 2020 Wildfire

1 Mitigation Plan proceeding is all about,  
2 making sure that we're pursuing the right  
3 activities. So what I would say is that our  
4 objectives and the focus that we have on  
5 reducing wildfire risk and reducing the risk  
6 of PSPS remains unwavering, and that will be  
7 what you see and -- and see consistent action  
8 towards. But, I do think you'll see  
9 continuous evolution and improvement. It  
10 would be imprudent for us not to continue to  
11 learn lessons and adjust, as necessary, and  
12 we'll continue to do that in a transparent  
13 way through these public proceedings that it  
14 includes stakeholder input.

15 Q Thank you. I've got two more --  
16 two more questions, and then I'll -- I'll be  
17 done.

18 Are you aware of the implications  
19 of your work on the insurance rates of  
20 homeowners?

21 A A bit, but we're far from experts  
22 on this. I've participated in some panels  
23 and conferences at the state level, in  
24 particular, with representatives from the  
25 State Insurance Commission, and there's been  
26 much discussion about this; but, it's not  
27 something that we're experts on or have any  
28 input on, in particular.



1           Q    Okay.  So in terms of the  
2   implications, though, I just want to try to  
3   understand you understand the implications.  
4   So there are wildfire survivors, victims, who  
5   are rebuilding their homes from the PG&E  
6   wildfires, and they want to understand is  
7   that investment, that significant family  
8   investment, going to be a one-year investment  
9   or a two-year investment or a long-term  
10  investment, and they see insurance scarcity  
11  growing.

12                   And do you understand the  
13  implications to PG&E's work to mitigate  
14  wildfires is directly tied to those insurance  
15  rates?

16           A    So while I can't speak to the  
17  direct tie between PG&E's activities and  
18  insurance rates, I just don't know that  
19  market or regulation set well, we completely  
20  understand that concern from our customers  
21  and residents of our service territory, and  
22  we are very focused, as I just mentioned, on  
23  reducing the risk of wildfire to all of the  
24  communities that we serve and -- and focusing  
25  on the PSPS impact that also impacts our  
26  customers' livelihoods or quality of life  
27  during that period of time.  So can't speak  
28  to the insurance aspect of it, but can speak

1 obviously extensively to our activities and  
2 our focus on reducing the wildfire risk to  
3 protect those communities.

4 Q So given that the Commission is  
5 charged with ensuring that the plan of  
6 reorganization is oriented towards a safety  
7 culture and oriented towards customers not  
8 having increased financial burdens, do you  
9 not think that it would be a prudent step to  
10 ensure that very specifically and very  
11 quantitatively that your work, through the  
12 plan of reorganization, is tied to partners  
13 in the insurance industry to make sure that  
14 we have a -- more of a comprehensive approach  
15 where we have corporate partners working  
16 together on the path ahead?

17 A I certainly understand the point  
18 you're making. But, there is a whole other  
19 regulatory scheme as it relates to insurance  
20 in the State of California. Right? There's  
21 a whole 'nother regulatory body that leads  
22 that. And so, while we are more than open to  
23 being a part of that conversation or  
24 contributing to those proceedings, if you  
25 will --

26 Q Uh-huh.

27 A -- that's just not an area that  
28 we're experts in or -- or implicitly have any

1 control over. Happy to participate, again;  
2 but, yeah, not our core competency.

3 Q Okay. So -- all right. One last  
4 question because of what you stated there.

5 So the Commission has been looking  
6 at something called a customer arm threshold  
7 to understand what can be reasonably charged  
8 to customers, and so insurance rates and cost  
9 of living increases and those types of things  
10 are customer arms.

11 So would you not see that as sort  
12 of central to your role in terms of a plan of  
13 reorganization and how you understand cost to  
14 customers?

15 A Unfortunately, I don't see that  
16 large-scale question about the cost to  
17 residents or customers as being something  
18 solvable by PG&E in this proceeding or  
19 related proceeding. I mean there -- that's a  
20 large -- again, that's things outside of  
21 PG&E's control that we can contribute to or,  
22 you know, maybe be a part of the  
23 conversation. But, basically, I don't agree  
24 that that's something that is within the  
25 scope of PG&E's plan of reorganization;  
26 insurance rates, in particular.

27 Q Even on a collaborative basis? I  
28 thought you just said that part of this is

1 collaboration, and I thought, you know,  
2 nothing is on the whole. You're having a  
3 whole bunch of collaborative partners --

4 ALJ ALLEN: Mr. Abrams, I think he's  
5 answered it to the best of his ability. I  
6 think the answer's pretty clear.

7 MR. ABRAMS: Okay. I see PG&E counsel  
8 upset by my questions, so I'll stop there.  
9 Thank you.

10 ALJ ALLEN: I would note that I did not  
11 see any -- any more than the normal upset  
12 from PG&E counsel. Thank you, Mr. Abrams.

13 I have a few questions. I think  
14 what I'll do is -- I have a few questions. I  
15 don't know, Commissioner Rechtschaffen may  
16 have a question or two. After that, we'll  
17 take an afternoon break.

18 EXAMINATION

19 BY ALJ ALLEN:

20 Q Just so I'm clear, how does the  
21 testimony here on wildfire safety relate to  
22 PG&E's 2020 Wildfire Mitigation Plan? What's  
23 the relationship or connection?

24 WITNESS PENDER: So this is -- this is  
25 a very summarized version. Right? I -- I  
26 think I have six pages of testimony here  
27 compared to there's 485 pages of testimony  
28 or -- in our original plan as part of the

1 Wildfire Mitigation Plan proceeding. So this  
2 is an appetizer to what's going on in the  
3 Wildfire Mitigation Plan proceeding, the  
4 purpose of which is to dig into the actions  
5 that we're taking and to assess and determine  
6 are those the right actions at the right  
7 scope and scale, and how should they be,  
8 if -- if anything, adjusted from what we've  
9 proposed in our plan.

10 Q So this is -- this is essentially  
11 just a summary of that plan?

12 A Right, which is ongoing.

13 Q Okay. One of the issues that's  
14 been raised in this proceeding is the concept  
15 of regionalization and changing essentially  
16 some of the management structures of -- of  
17 PG&E. Are you familiar with the  
18 regionalization concept?

19 WITNESS POWELL: At a very high level.

20 Q How does -- how do the  
21 regionalization proposals that are put  
22 forward in this proceeding impact the  
23 Wildfire Mitigation Plan, either 2020 or  
24 going forward?

25 A I don't see that they impact the  
26 Wildfire Mitigation Plan. Regionalization  
27 and the concept there is to have PD -- PG&E  
28 leadership and employees in local areas

1 having really strong relationships with the  
2 local communities, and people know who each  
3 other are, and to the extent that that helps  
4 inform, you know, PSPS or the Wildfire  
5 Mitigation Plan, I see that as helpful; but,  
6 what we've put in the plan is a commitment by  
7 the company that we will continue to execute,  
8 no matter the final structure.

9 Q So are there -- but, there -- there  
10 will be regional safety positions. Is that  
11 correct? Or do you know? I guess the  
12 question is --

13 A I couldn't testify to that, but  
14 I've heard it.

15 Q Okay. If there are something like  
16 a regional safety position, how -- how would  
17 that relate to the bigger wildfire safety  
18 measures and the Wildfire Mitigation Plan, if  
19 you know?

20 A I don't.

21 COMMISSIONER RECHTSCHAFFEN: Well --

22 ALJ ALLEN: Go ahead.

23 EXAMINATION

24 BY COMMISSIONER RECHTSCHAFFEN:

25 Q Maybe one way to -- to expand on  
26 your question, the -- would it help with  
27 improving wildfire safety or would it be  
28 neutral or hinder it, a regional structure?

1           WITNESS POWELL: The safety or the --  
2 the safety officer or the regional structure?  
3 I'm going to make sure I understood the  
4 question.

5           Q The regional structure that's --  
6 that PG&E proposed and that was in the  
7 Assigned Commissioner Ruling, and just the --  
8 the idea of some regional decentralization.  
9 Judge Allen was asking about how it would  
10 relate to the Wildfire Safety Plan. So I'm  
11 asking you if you could -- if you want to  
12 expand on what you said a little bit ago  
13 about its relationship to improving safety.  
14 Is there anything else you would want to say  
15 about how it could improve or promote  
16 safety? ]

17           A Well, I always -- I'm in  
18 Operations. I always like to see more safety  
19 resources deployed in a regional area where  
20 they know, you know, the people in the area  
21 very closely. I can see that adding --  
22 especially during the PSPS events in having  
23 additional safety resource in local operating  
24 centers. Also have a safety advocate. A  
25 very strong safety advocate no matter what  
26 issues come up within the company.

27           Q I have a -- excuse me. I had a few  
28 questions for you, Ms. Maratukulam, about the

1 PSPSSs. And you said you scheduled listening  
2 sessions with each of the impacted areas. I  
3 don't know if you happened to listen to the  
4 Commission's voting meeting last Thursday or  
5 had anyone report to you about what was said  
6 at the voting meeting?

7 WITNESS MARATUKULAM: I was not able to  
8 listen to it, no.

9 Q Well, the short of it was  
10 Commissioner Guzman Aceves went at the  
11 invitation of Supervisor Moke Simon, who is  
12 from Lake County. And Lake County has a  
13 special working group on PSPSSs because  
14 they've been devastated by wildfires over the  
15 past several years. And they experience  
16 wildfires, you know, one long one or several  
17 ones that lasted most of the week in 2019.

18 And what Commissioner Guzman Aceves  
19 reported is that PG&E has made a number of  
20 commitments to the community going forward  
21 including something about working with the  
22 local government.

23 But what became apparent at that  
24 meeting is that PG&E hasn't followed up on  
25 some of those? So for example PG&E doesn't  
26 currently have a local liaison assigned to  
27 Lake County. Lake County has to share with  
28 other counties. PG&E wasn't aware that one



1 of its local government contacts had been  
2 retired for over two months. And there were  
3 other discussions at this working group about  
4 the plans going forward for 2020 that hadn't  
5 materialized.

6 Are you aware of any of this?

7 A I'm not aware of the specifics from  
8 Lake County, no.

9 Q Well, this concerned us as  
10 Commissioners. And I'm wondering if you can  
11 either here or in another context follow up  
12 with us about what your plans are for Lake  
13 County?

14 A Happy to.

15 Q How many community resource centers  
16 are you planning for 2020? I saw in your  
17 testimony you say that PG&E has mobilized 80  
18 community resource centers. Are you planning  
19 for more than that?

20 A We are. We had deployed  
21 approximately 80 -- over 70 in one event in  
22 the 2019 season. I cannot recall the number  
23 off the top of my head of how many we're  
24 targeting to have pre-established agreements  
25 with.

26 I did note earlier that we're  
27 trying to work with property owners now to  
28 establish hardened facilities rather than

1     rely on space to set up tents. But I cannot  
2     recall the number off the top of my head. I  
3     think Matt may have it.

4             WITNESS PENDER: In our Wildfire  
5     Mitigation Plan, we identified four to five  
6     hardened facilities as in, you know,  
7     permanent structures per county that are  
8     likely to be impacted or that's within the  
9     PSPS footprint, which is around 40 counties.  
10    So we're looking at 150 to 200 sites  
11    pre-established to be ready. And then during  
12    any given event, the appropriate ones would  
13    be activated.

14            Q    Are those in the process of both  
15    being identified and secured by contract and  
16    otherwise made ready for the event?

17            A    Yes. As well in consultation with  
18    the county leadership and some case city  
19    leadership to make sure those are the right  
20    locations and that those fit with their plans  
21    as well.

22            Q    When do you anticipate that all of  
23    your arrangements for these 150 to 200 will  
24    be finalized?

25            A    I don't know. I know that we've  
26    already made good progress. But we could  
27    follow up with what timeline we have. I  
28    mean, September 1 is our peak start of PSPS

1 season. So in advance of September 1 is when  
2 we want all of this stuff to be in place.

3 Q Fire season may start before  
4 September 1 as we all know.

5 Let me ask one last question. And  
6 then this is a follow-up to the questions  
7 from Ms. Kasnitz at C4AT. If you went over  
8 this, I apologize.

9 But for medically-vulnerable  
10 customers who are not customers of PG&E, that  
11 don't have their own account, who are behind  
12 a master meter like a mobile home park tenant  
13 or Section 8 tenant, how are you learning of  
14 those customers, and how are you notifying  
15 them of PSPS events?

16 WITNESS MARATUKULAM: They are still  
17 encouraged to enroll with the Medical  
18 Baseline Program. So while they may not be  
19 the tenant of record, we are aware of medical  
20 baseline customers that are under a master  
21 meter. And we do work to notify them  
22 directly as we do all other medical baseline  
23 customers.

24 Q Are you working with a local  
25 community-based organizations and local  
26 governments to identify those customers?

27 A Yes. In 2019 we had outreached  
28 seeking to inform the public of the program

1 and increase awareness and participation.  
2 We're doing the same this year also in  
3 partnership with community-based organization  
4 to help further get the word out.

5 But we are working directly through  
6 those organizations as well as mass media  
7 campaigns to increase awareness in  
8 participation in the Medical Baseline  
9 Program.

10 COMMISSIONER RECHTSCHAFFEN: Thank you.

11 Thank you, Judge.

12 ALJ ALLEN: Thank you. So the plan  
13 after the break is that Ms. Yap will take the  
14 stand. And the plan would be to complete the  
15 cross-examination of Ms. Yap today. And also  
16 allow for Ms. Sheriff's estimated brief  
17 cross-examination of Mr. Kenney. Plus any  
18 clean up we do.

19 So based on numbers in front of me,  
20 we may go past 4:00 o'clock. But that's my  
21 plan for this afternoon. Anything to do  
22 before we take our or afternoon break?

23 (No response.)

24 ALJ ALLEN: Seeing none, let's be back  
25 by 3:15 by the clock on the wall.

26 Off the record.

27 (Off the record.)

28 ALJ ALLEN: On the record.

1                   Good afternoon. We're in  
2                   Investigation 19-09-016.

3                   Ms. Sheriff, call your witness,  
4                   please.

5                   MS. SHERIFF: Thank you, your Honor.  
6                   Nora Sheriff for the California Large Energy  
7                   Consumers Association. I would like to call  
8                   Ms. Catherine Yap to the stand.

9                   ALJ ALLEN: Thank you, Ms. Sheriff.

10                  CATHERINE YAP, called as a witness  
11                  by California Large Energy Consumers  
12                  Association, having been sworn,  
13                  testified as follows:

14                  THE WITNESS: I do.

15                  ALJ ALLEN: Thank you. Please be  
16                  seated. State your full name and spell your  
17                  last name for the record.

18                  THE WITNESS: My name is Catherine E.  
19                  Yap. Spelled Y-a-p.

20                  ALJ ALLEN: Thank you.

21                  Go ahead, Ms. Sheriff.

22                  DIRECT EXAMINATION

23                  BY MS. SHERIFF:

24                  Q     Good afternoon, Ms. Yap. You have  
25                  before you what has been marked for  
26                  identification as exhibit CLECA-01?

27                  A     Yes, I do.

28                  Q     Do you have before you what has  
                  been marked for identification as Exhibit

1 CLECA-01-E, which is the reply testimony of  
2 Catherine E. Yap on behalf of California  
3 Large Energy Consumers Association Errata?

4 A Yes, I do.

5 Q Do you also have before you what  
6 has been marked - or what I would ask to have  
7 marked for identification as exhibit  
8 CLECA-02, which is the CLECA response to a  
9 PG&E data request, CLECA-001?

10 A Yes, I do.

11 ALJ ALLEN: Thank you.

12 CLECA response to PG&E data request  
13 PG&E CLECA-001 is identified as CLECA  
14 Exhibit 2.

15 (Exhibit No. CLECA-02 was marked for  
16 identification.)

17 MS. SHERIFF: Thank you, your Honor.

18 Q Ms. Yap, was this information in  
19 these three exhibits prepared by you or under  
20 your supervision?

21 A Yes, they were.

22 Q To the extent that it contains  
23 facts, are those facts true and correct to  
24 the best of your knowledge?

25 A Yes, they are.

26 Q To the extent that they contain  
27 professional opinions, are those your best  
28 professional opinions?

1           A    Yes, they are.

2           Q    Do you have any changes to make to  
3 your testimony at this time?

4           A    No, I do not.

5           Q    Thank you, Ms. Yap.

6           MS. SHERIFF: Your Honor, Ms. Yap is  
7 available for cross-examination.

8           ALJ ALLEN: According to what I have  
9 here is cross for Ms. Yap from PG&E, EPUC,  
10 and TCC; is that correct?

11                Let's start with -- any preferences  
12 starting? I was thinking of starting PG&E.  
13 Let's go with PG&E with cross.

14           MR. ALLRED: Okay. Your Honor, Kevin  
15 Allred. One administrative point that I've  
16 just realized. The data response that was  
17 marked does not have the attached  
18 spreadsheet, which is rather important for  
19 any cross.

20           ALJ ALLEN: Which exhibit is this?  
21 This is PG&E's exhibit or?

22           MR. ALLRED: This is the data response  
23 that was just marked as the exhibit.

24           MS. SHERIFF: Exhibit CLECA-02. There  
25 is an Excel spreadsheet that's embedded in  
26 the paper copy, and I do not have the ability  
27 at home to produce that.

28           ALJ ALLEN: Off the record.

1 (Off the record.)

2 ALJ ALLEN: On the record.

3 While we were off the record, we had  
4 a discussion about Exhibit CLECA-02, which is  
5 a copy that was distributed, is missing a  
6 related spreadsheet. There appear to be  
7 adequate copies in the hearing room for us to  
8 conduct cross-examination. And then  
9 Ms. Sheriff will provide additional copies of  
10 the spreadsheet, which will be attached to  
11 CLECA-02 before it is admitted into the  
12 record.

13 With that, Mr. Allred.

14 MR. ALLRED: Yes, your Honor. May I  
15 approach the witness to hand out copies of  
16 what we just referenced?

17 ALJ ALLEN: Yes, you may.

18 Off the record.

19 (Off the record.)

20 ALJ ALLEN: On the record.

21 THE WITNESS: You handed me actually  
22 two different spreadsheets. Because one  
23 looks like my workpaper.

24 ALJ ALLEN: Off the record.

25 (Off the record.)

26 ALJ ALLEN: On the record.

27 Mr. Allred, I believe there needs to  
28 be a slight clarification of the document



1 that was handed out.

2 MR. ALLRED: We have handed out what I  
3 understood to be attachments to the data  
4 response that was marked as CLECA-02. The  
5 first one was the first attachment -- the one  
6 pager is the first attachment. And what is  
7 printed is multiple pages.

8 Q What you would call your re-work is  
9 the second attachment. Do you have those in  
10 front of you?

11 A Yes, I do. And just to be  
12 nauseatingly clear, the single page one was  
13 response to Question 1 of your data request.  
14 And I believe the multiple page one was in  
15 response to Question 3.

16 ALJ ALLEN: For purposes of  
17 cross-examination to make sure that the  
18 record is clear for the single page one,  
19 let's call that document "Sources." Because  
20 it has the word sources in all caps at the  
21 top.

22 And on the other one, let's call it  
23 "Cost of Debt Detail" because that's what  
24 appears in the footer on the first page. And  
25 ultimately these will end up as part of  
26 CLECA-02.

27 Go ahead.

28 ///

CROSS-EXAMINATION

BY MR. ALLRED:

Q Thank you, your Honor.

Let's actually set that aside for a moment. We'll get back to it.

Good afternoon, Ms. Yap.

A Good afternoon.

Q Take a look at what has been marked PG&E-X-01. It's the thick document in front of you. And I believe it is what is referenced in page 19 of your testimony at lines 11 to 13.

A I'm going to stop you right there. Mine didn't get marked. So is this what we're referring to? It is a thick document. It was left for me up here.

ALJ ALLEN: Off the record.

(Off the record.)

ALJ ALLEN: On the record. Actually, we have not marked these on the record yet have we, Mr. Allred?

MR. ALLRED: I don't believe so. I believe your Honor has them. But I don't know if it was on the record.

ALJ ALLEN: I believe not. So I understand that PG&E has two exhibits they wish to have marked as cross-examination exhibits; is that correct, Mr. Allred?

1 MR. ALLRED: Yes, your Honor.

2 ALJ ALLEN: So first one I have is PG&E  
3 Hearing Room Exhibit, the caption of this  
4 case, then it says, "Financing Order  
5 Authorizing the Issuance of Energy Recovery  
6 Bonds Pursuant to Senate Bill 772 is marked  
7 as PG&E-X-01.

8 (Exhibit No. PG&E-X-01 was marked  
9 for identification.)

10 ALJ ALLEN: The second one, a smaller  
11 document. PG&E's Hearing Room Exhibit  
12 CLECA's Response to PG&E Data Request-001  
13 Questions 6, 7, and 8 is marked as PG&E-X-02.

14 (Exhibit No. PG&E-X-02 was marked  
15 for identification.)

16 ALJ ALLEN: Go ahead.

17 BY MR. ALLRED:

18 Q Thank you, your Honor.

19 Ms. Yap, if you'll look at your  
20 testimony at page 19, lines 11 to 13, you  
21 state there quote:

22 It is noteworthy that in  
23 its previous bankruptcy  
24 proceeding, PG&E's  
25 authorization to recover  
26 the cost of its debt  
27 financed associated with  
28 its POR was limited to

1                   \$25 million.

2                   Closed quote. Do you see that?

3           A     Yes.

4           Q     And you footnote that to what I  
5 believe is the document we have marked as  
6 PG&E-X-01 CPUC Decision 04-11-015, Financing  
7 Order Authorizing Bond Issuances; is that the  
8 correct document?

9           A     Yes. That's the document I cited.

10          Q     And if looking at that exhibit,  
11 X-01, if you turn to page 26 and 27, which is  
12 the pages you cite in the footnote. At the  
13 bottom there there's a section F Bond  
14 Issuance Cost. Do you see that?

15          A     Yes.

16          Q     And this section relates to the  
17 utility's post emergence bond issuance;  
18 correct?

19          A     Yes.

20          Q     So it's not referring to the exit  
21 financing cost associated with emergence from  
22 bankruptcy; right?

23          A     You are correct. It's the issuance  
24 cost for the energy recovery bonds.

25          Q     Also at the bottom of page 26, in  
26 that first sentence of that section it says  
27 that PG&E estimates the costs in question  
28 here as \$21.663 million; correct?

1           A    Yes.  The decision on page 26 does  
2   cite \$21.663 million.

3           Q    And at page 27 in the middle  
4   paragraph the decision says quote:

5                   We adopt PG&E's unopposed  
6                   proposal to cap bond  
7                   issuance cost at \$25  
8                   million plus costs for the  
9                   Commission financing team.

10                  Closed quote.  Do you see that?

11           A    Yes, I do.

12           Q    So to clarify, this was not a  
13   situation where PG&E sought to recover  
14   financing costs and the Commission limited  
15   the recovery to some lesser amount; correct?

16           A    That is correct.

17           Q    And in fact it was an unopposed  
18   request for a cap that PG&E said up front it  
19   would come in under; right?

20           A    That's the stated language of the  
21   decision.

22           Q    To the best of your knowledge, in  
23   fact the utility was permitted to recover its  
24   exit financing cost in connection with the  
25   previous bankruptcy; is that right?

26           A    It's my understanding that it was  
27   allowed to recover the actual cost of the  
28   financing.

1           Q    Let me move to another subject, the  
2   regional restructuring.  As I understand it,  
3   you're supportive of PG&E's proposal that it  
4   develop and implement a regional  
5   restructuring plan?

6           A    Yes.  I made a similar  
7   recommendation actually in my testimony that  
8   was submitted last year.

9           Q    And in your opinion, such a  
10  restructuring has strong potential to improve  
11  the quality of PG&E's service to its  
12  customers; is that fair?

13          A    It has the potential to improve the  
14  quality of service and the relationships that  
15  PG&E's has with the local communities and its  
16  customers.  Then I would say also its large  
17  customers.

18          Q    And that regional restructuring in  
19  your view would be beneficial to customers  
20  even if PG&E had not filed for bankruptcy;  
21  right?

22          A    So you're saying hypothetically if  
23  we were sitting around thinking of ways that  
24  we could improve PG&E management, regional  
25  restructuring would be on my -- are you  
26  asking if that would be on my list of to-dos?

27          Q    As something that -- which would be  
28  a positive, yes.

1           A     Yes. I think that -- and I think I  
2     made it clear in my testimony that PG&E went  
3     too far when it consolidated itself in the  
4     early 2000s. It was very focused on  
5     streamlining and using measures of  
6     performance. It just went too far. There's  
7     certainly there are efficiencies in doing  
8     that. But I think they over shot the mark  
9     and has lost touch with what's going on in  
10    regions.

11           Q     And in your view, such a regional  
12    restructuring would be sufficiently  
13    complicated. That it would take a  
14    substantial amount of time to create a fully  
15    flushed out plan; is that fair?

16           A     There's a reason why my testimony  
17    recommends that the reorganization be focused  
18    on the GRC, which will be coming up. And the  
19    company will be filing for the 2023 GRC in  
20    about a year.

21                   In my experience, reorganizing --  
22    you've got 25,000 employees. And you've got  
23    a lot of different tasks that those employees  
24    are involved in. It takes a lot of thought  
25    to figure out how you actually are going to  
26    break apart what's been centralized back into  
27    regional areas. You don't want to do this  
28    badly. That will make the problem worse.

1 You want to do it well. You want to do it  
2 once, and you want to do it well.

3 And it's just -- in my opinion it  
4 deserves the thought that's required to do it  
5 well and the time that it takes and the  
6 resources that it takes to do it well. Then  
7 I think it will improve PG&E's performance.  
8 Certainly will improve its interface with the  
9 local communities.

10 Q Thank you. If you'll turn to  
11 page 15 of your testimony, please. And I  
12 want to direct you to lines 19 and 20. You  
13 state there quote:

14 The Commission should  
15 require PG&E to use  
16 shareholder funded research  
17 to better understand the  
18 concerns of its ratepayers  
19 in various parts of its  
20 large service territory.  
21 Closed quote. Do you see that?

22 A Yes.

23 Q Isn't developing a robust  
24 understanding of one's customers something  
25 that should be a core part of a utility's  
26 operations?

27 A Generally speaking, yes. But I  
28 think in this situation PG&E needs to



1 demonstrate that its shareholders are  
2 committed to really addressing the gap that  
3 has developed between its communities, its  
4 customers, and its owners.

5 Q What's the -- I am sorry. Did I  
6 interrupt you? Go ahead.

7 A Yes. So I -- that's the spirit  
8 within which this recommendation is made in  
9 the context of the Plan of Reorganization.

10 Going forward I am not suggesting  
11 that doing a certain amount of customer  
12 surveying is something that should be  
13 disallowed because it's an unreasonable cost.

14 Q What in your view is the principle  
15 that divides the utility activities that are  
16 part of rates versus things that should be  
17 funded by shareholders?

18 A You're asking me that in a generic  
19 sense?

20 Q Well, you put this on side of the  
21 line. I'm wondering what principle animates  
22 that conclusion?

23 A I think I just expressed it. That  
24 it's the circumstance that the company finds  
25 itself in where the disconnect that's  
26 developed between the company, its ownership,  
27 its management, and its customers. I think  
28 it deserves -- it deserves -- if you want a

1 gesture that PG&E's owners and its management  
2 is committed to really connecting with its  
3 customers. And then it's not going to ask  
4 its customer to foot the bill for it to be  
5 bridging that gap under these circumstances.]

6 Q You're aware the Plan of  
7 Reorganization involves some very, very  
8 substantial shareholder funding of various  
9 things; correct?

10 A Yes.

11 Q One could say the same thing as you  
12 just said about any number of things that a  
13 utility would ordinarily do that are good for  
14 its customers. Why is this one different?

15 MS. SHERIFF: Objection, your Honor, I  
16 believe this question has been asked and  
17 answered more than once.

18 ALJ ALLEN: Sustained.

19 BY MR. ALLRED:

20 Q Let's talk about your discussion of  
21 rate neutrality. You discussed that some in  
22 your testimony; correct?

23 A There is a section --

24 Q All right.

25 A -- of my testimony. Would you like  
26 me to open it up?

27 Q Okay. Yes. I'm going to direct  
28 you in a minute to page 21. First, I have

1     some more general questions.  Yes, you can  
2     turn to that now if you like.  In evaluating  
3     the neutral-on-average requirement, you  
4     understand that what is to be analyzed is the  
5     rate impacts created by implementation of the  
6     Plan of Reorganization; correct?

7             A     Yes, I kept that in mind.

8             Q     All right.  So in evaluating rate  
9     neutrality, you wouldn't think it appropriate  
10    to include in rate impacts things that would  
11    have happened without the bankruptcy  
12    reorganization, would you?

13            A     In my analysis, I focused on the  
14    incremental costs, if you will, or the --  
15    actually, the Plan of Reorganization doesn't  
16    propose costs per se except for the  
17    financing.  I focused on that.  So, it's an  
18    incremental analysis understanding that there  
19    are other things that are going on.

20            Q     I think the incremental analysis  
21    you're referring to is summarized at  
22    page 21 -- well, not -- I won't put words in  
23    your mouth.  If you turn to page 21, lines 14  
24    to 19, it states, quote:

25                   However, if the  
26                   Commission were to permit  
27                   PG&E to recover any  
28                   professional fees and

1 expenses associated with  
2 the Chapter 11  
3 proceedings, the  
4 Commission would have to  
5 limit the recovery of  
6 those fees and expenses  
7 and require them to be  
8 amortized over a long  
9 period of time to ensure  
10 that the combination of  
11 the professional fees and  
12 debt costs do not exceed  
13 the \$70.7 million  
14 reduction in debt costs  
15 in any given year.

16 Do you see that?

17 A Yes.

18 Q If I understand your testimony, you  
19 are not asserting in your testimony that  
20 PG&E's plan fails to satisfy AB-1054's  
21 neutral-on-average requirement; right?

22 A I'm not a -- I'm not -- I haven't  
23 come to that conclusion per se. I have  
24 discussed some circumstances under which it  
25 could violate that provision.

26 Q And fair to say if PG&E -- strike  
27 that. On the other hand, if PG&E's plan --  
28 strike that. Bad question.

1 Fair to say you agree that PG&E's  
2 plan would satisfy AB-1054 neutral-on-average  
3 requirement so long as the costs PG&E seeks  
4 to recover in connection with that plan do  
5 not exceed the interest cost savings created  
6 by the plan?

7 A Yes. If you're generating  
8 70.7 million in revenue for a period of time,  
9 a revenue reduction for a period of time, you  
10 can't impose costs in any given year through  
11 rates. You can amortize a cost in a current  
12 period over a long period of time to reduce  
13 it such that it would not exceed 70.7 million  
14 per year for the period of time where there  
15 are debt savings and it would remain neutral  
16 under those circumstances.

17 Q Did you review the clarification  
18 document submitted by PG&E at the beginning  
19 of these hearings that was marked as PG&E  
20 Exhibit 8?

21 A Yes, I have looked at that spread  
22 sheet. Would you like me to open it?

23 Q I think it's in front of you. It's  
24 actually -- I'm not referring to a spread  
25 sheet. I'm referring to the actual  
26 clarification document, Exhibit 8.

27 A Oh, okay. I'm sorry.

28 Q No, that's fine.

1           A    I was looking at a different  
2 document. I have read this, yes.

3           Q    And if you look at the first  
4 clarification there, paragraph one, which  
5 I'll summarize but if you feel I'm  
6 summarizing incorrectly, let me know, limits  
7 the professional fees that PG&E seeks to  
8 recover to the financing-related fees and it  
9 estimates those at about 154 million;  
10 correct?

11          A    Yes, that is correct.

12          Q    And so subject to that  
13 clarification, would you agree that so long  
14 as those financing fees are amortized over  
15 the length of the debt, PG&E's plan would  
16 satisfy the rate neutrality requirement?

17          A    Yes, I did a calculation not using  
18 exactly the same figures, but I demonstrated  
19 that you could satisfy the rate neutrality by  
20 amortizing approximately that amount of  
21 money.

22          Q    If you'll turn to your testimony at  
23 page 17, please, the last two lines on that  
24 page you state, quote:

25                   If one uses a more  
26                   appropriate discount rate  
27                   of eight percent which is  
28                   reflective of the cost of

1 money for PG&E's  
2 investors as well as its  
3 ratepayers --

4 And then it goes on from there to  
5 give the calculation. Do you see where I'm  
6 reading from?

7 A Yes, I do.

8 Q Footnote 49 in your testimony at  
9 the end of that sentence states that PG&E's  
10 2020 adopted cost of capital is 7.81 percent.  
11 Do you see that?

12 A Yes.

13 Q And so when you use eight percent  
14 in the body, you're not asserting some  
15 different discount rate, you're just  
16 rounding; is that fair?

17 A I actually was using it as  
18 representative of the 7.8, but also putting  
19 it in perspective for ratepayers. In my  
20 previous footnote, I had discussed the fact  
21 that people are earning rather low interest  
22 rates on their savings accounts, but at the  
23 same time they face very high borrowing  
24 costs, particularly if they're relying on  
25 credit cards.

26 So, I was kind of doing a, you  
27 know, here's a span, here's a range. And  
28 eight percent is kind of in the middle. It's

1 representative of the utility's cost of  
2 capital so I felt it was a good number to use  
3 as a discount rate.

4 Q Why do you think eight percent or  
5 7.81 percent is a better percentage to use  
6 for purposes of thinking about rate  
7 neutrality than the 4.7-odd percentage  
8 referenced earlier in that testimony?

9 A Well, we could read my footnote,  
10 48, which says discount rates reflect the  
11 underlying time value of money and should do  
12 so for ratepayers as well as investors. The  
13 time value of money for ordinary people can  
14 range from relatively low rates that people  
15 can earn on bank savings accounts to very  
16 high discount rates such as 16 to 18 percent  
17 that is reflective of their actual short-term  
18 costs of borrowing, for example, credit  
19 cards.

20 The eight percent that I used in my  
21 analysis is reflective of utility investors'  
22 cost of money and also falls well within the  
23 range that could be considered appropriate  
24 for ratepayers.

25 Q In using that eight percent figure,  
26 you calculated interest rate savings under  
27 the PG&E plan of 694 million; correct?

28 A Right. That was assuming that it



1 was a 20-year period.

2 Q And in calculating that discounted  
3 amount, you started discounting in year one  
4 in your calculation; right?

5 A At the end of year one, yes.

6 Q And so you would agree we'd also  
7 have to start discounting in year one the  
8 corresponding financing costs that are  
9 amortized?

10 A I used a net present value  
11 calculation and had zero as the cost, which  
12 is generally net present value calculations  
13 do things at the beginning of the period.  
14 You could make it do everything at the end.

15 Q Let me have you turn to the spread  
16 sheet that -- let me take ALJ Allen's advice  
17 and give it the agreed title -- the spread  
18 sheet that you identified earlier, I think we  
19 called it "Cost of Debt Detail."

20 ALJ ALLEN: And that's a multi-page  
21 document?

22 MR. ALLRED: Yes, your Honor.

23 THE WITNESS: Got it.

24 BY MR. ALLRED:

25 Q Before we get into the details  
26 there, I just want to understand, take a step  
27 back. Am I correct in understanding you have  
28 no disagreement that 4.3 percent is a

1 reasonable estimate of the post-emergence  
2 cost of debt under PG&E's plan?

3 A I preserved PG&E's calculation on  
4 the right-hand side of the first page and I  
5 have no disagreement with that calculation.

6 Q And then in your rework -- and  
7 we'll get into the details of that -- at the  
8 end of the rework, you're showing net savings  
9 after offsetting financial fees and  
10 underwriting fees and whatnot, net savings of  
11 \$9 million per year; is that correct?

12 A That's the difference between the  
13 183 that you calculate from the first set of  
14 figures. Now, you ask yourself, why did I  
15 calculate that first set of figures? It's  
16 because that's the cost of debt if we don't  
17 have the rate, the interest rate reduction,  
18 that the POR proposes or accomplishes.

19 So you end up with a 4.35 percent  
20 cost of debt absent that change that the POR  
21 brings. I was trying to isolate.

22 Q And the net result of that  
23 isolation in your calculation is a savings of  
24 \$9 million per year?

25 A Yes. And the reason for that is  
26 because the fees cost you a lot of money.  
27 Now we're looking at 2021. The fees are  
28 basically drinking up everything except the

1 nine million in the 70 -- the \$70.9 million  
2 reduction in interest rate costs. Most of it  
3 has been drunk up by the fees.

4 Now, PG&E is positive that we  
5 should compare the 4.3 -- it's actually  
6 4.31 percent interest rate that comes out of  
7 the Plan of Reorganization, which I have no  
8 disagreements with that. That's post the  
9 reduction in interest rates, that we should  
10 compare that with the 5.16 that was adopted  
11 in the cost capital decision for 2020.

12 The problem with doing that is that  
13 was a number --

14 Q I think you're getting well beyond  
15 my question.

16 A Yeah. Well, that was a number that  
17 was forecasted. Okay.

18 Q Yeah.

19 A So it has to do with attribution  
20 and that's why we ended up with two sets of  
21 numbers.

22 Q Right. And I do want to go through  
23 this in some detail, but just step by step,  
24 please.

25 A Yes.

26 Q So if we look at the upper left  
27 here, pre-petition debt amortization, you say  
28 "No fees if no RSA renegotiation."

1 Do you see that?

2 A Yes.

3 Q Now, in fact, there were fees  
4 incurred by PG&E on pre-petition debt;  
5 correct?

6 A Originally. You mean when the debt  
7 was originally financed?

8 Q And aren't those fees amortized  
9 over the course of the debt?

10 A They may be.

11 Q But you haven't added them to the  
12 average coupon in your number, in your  
13 recalculation, have you?

14 A No, but PG&E didn't add them to  
15 their calculation either, so --

16 Q If you look on the right-hand side,  
17 it is added there. The pre-petition debt  
18 amortization 0.15 percent is there, isn't it?

19 A Okay. You are correct. I should  
20 have left the 0.15 in there.

21 Q And then in the next line,  
22 underwriting fees on 5.925 billion of new  
23 issue. PG&E had long- and short-term debt  
24 authorization requests pending when it  
25 declared bankruptcy; right?

26 A I'm not sure.

27 Q Well, putting aside the details,  
28 certainly you would understand that rate base

1 was growing and PG&E would have needed to  
2 issue new debt regardless of bankruptcy;  
3 right?

4 A I'm generally aware that PG&E has  
5 the need to issue debt and potentially stock  
6 periodically.

7 Q And customarily that would involve  
8 underwriting fees; right?

9 A Yes.

10 Q And on the right-hand side here,  
11 you have a 0.02 percent for the underwriting  
12 fees on that amount of new debt; right?

13 A Yes, I do.

14 Q And there would be some  
15 corresponding, roughly corresponding, number  
16 that would be incurred for the new debt if it  
17 was incurred outside of bankruptcy; right?

18 A Let me just see if this is included  
19 in here. No. You're correct because it is  
20 included in the column.

21 Q Thanks. Stepping back from the  
22 details, let's just think of a sort of a  
23 gestalt way to think about this. You  
24 understand that Southern California Edison's  
25 current authorized cost of debt rising out of  
26 the cost of capital proceeding is  
27 4.74 percent. Sound about right?

28 A I haven't looked at their cost of

1 capital recently.

2 Q Putting aside the exact number, you  
3 wouldn't suggest that without the bankruptcy  
4 reorganization, PG&E would have had a lower  
5 cost of debt than Southern California Edison,  
6 would you?

7 A I'm not suggesting anything. I was  
8 just working the math --

9 Q But would you agree -- and I'm  
10 sorry, I interrupted you. Go ahead.

11 A I mean I worked the math basically.  
12 I had -- the data was available. I went and  
13 I replaced the exchanged debt with the old  
14 exchanged debt, so with the old interest  
15 rates to bring it up to the higher amount.

16 So I'm -- to the extent that PG&E  
17 said that 4.31 percent was the correct cost  
18 of debt as compared to the 5.16 in a cost of  
19 capital case, all I did was an incremental  
20 analysis. And, I apologize, I probably  
21 should have picked up a few hundredths it  
22 looks like or maybe a .2 percent. That's my  
23 mistake.

24 That would have raised the  
25 resulting cost of capital to 4.5 maybe. But  
26 the point here is I was trying to do a  
27 parallel analysis so we can isolate the  
28 effect of the POR and not the forecast error.

1 ALJ ALLEN: Ms. Yap, I don't think --

2 THE WITNESS: Or the forecast  
3 uncertainty.

4 ALJ ALLEN: Ms. Yap, I don't think  
5 there's a question pending.

6 Mr. Allred, if you could ask your  
7 next question.

8 Ms. Yap, if you could make sure  
9 you're answering the question. If you want  
10 more explanation to provide, you can do that  
11 on redirect.

12 Mr. Allred.

13 MR. ALLRED: Thank you, your Honor.

14 Q I'm just asking independent of your  
15 calculations, sometimes its useful to step  
16 back before you dive into or after you try to  
17 dive into the details of a complicated spread  
18 sheet and say does this result seem  
19 consistent with what one would expect from a  
20 big-picture look at things.

21 You would not expect a  
22 pre-bankruptcy or non-bankruptcy PG&E to have  
23 a lower cost of debt than Southern California  
24 Edison, would you?

25 MS. SHERIFF: Objection, your Honor,  
26 Ms. Yap has indicated that she is not  
27 familiar with Southern California's cost of  
28 debt.

1 ALJ ALLEN: Overruled, it's a general  
2 question.

3 THE WITNESS: I would expect it to be  
4 generally similar, but there are differences  
5 between the companies; so, within the same  
6 ballpark, assuming that PG&E was not in  
7 bankruptcy.

8 BY MR. ALLRED:

9 Q So if we were to take just the two  
10 changes that you have noted of adding in the  
11 roughly .2 percent, that would take the  
12 savings back to over 40 million a year in  
13 2021; right?

14 A I can work the spread sheet if you  
15 want to ask that question. I can't tell just  
16 off the top of my head looking at the  
17 numbers. But it would certainly change the  
18 183. I'm willing to agree with that, that's  
19 the result of increasing the 4.35 percent and  
20 you compare it to 5.16 and you take the  
21 difference times the rate base, that's going  
22 to give you a lower number than 1.83.

23 Q And do you have any quarrel with  
24 the approach of taking the revenue  
25 requirements and applying these percentages  
26 to calculate savings?

27 A I'm sorry, can you ask that  
28 question again, please.



1           Q    The basic structure of this spread  
2   sheet is taking the coupon and the fees,  
3   calculating the difference from the  
4   authorized cost of debt and applying that to  
5   the revenue requirements to get a revenue  
6   savings; correct?

7           A    In my response to PG&E's data  
8   request, I agreed that mathematically you  
9   take the incremental change in debt times the  
10   capital share represented by debt times the  
11   rate base, you do end up with a revenue  
12   requirement impact. I agree with that.

13          Q    There's no math error in PG&E's  
14   calculation that, based on a .85 percent  
15   reduction in the cost of capital, you would  
16   get \$192 million a year savings; right?

17          A    Again, in the response to PG&E's  
18   questions, I did agree that mathematically  
19   you derive 192 million. I just didn't agree  
20   with the attribution of that .85 to the POR  
21   because I don't think that's correct.

22          Q    Okay. If you'll turn to page 23 of  
23   your testimony, please. At the top of that  
24   page you say, quote:

25                   While I appreciate the  
26                   fact that securitizing  
27                   debt has the potential to  
28                   improve PG&E's credit

1 rating and  
2 correspondingly reduce  
3 overall debt costs, in my  
4 opinion the risk of  
5 securitization is too  
6 great, close quote.

7 Do you see that?

8 A Yes, I did write that sentence.

9 Q And you agree that securitization  
10 does provide benefits? There is a positive  
11 side of the ledger to securitization?

12 A It moves debt off of the balance  
13 sheet effectively.

14 Q And provides for a lower cost  
15 finance source; right?

16 A That's the theory; that is, you  
17 clean up the balance sheet, you improve the  
18 look to the rating agencies, and the hope is  
19 that they improve.

20 Q And also strictly within the  
21 securitization you can get a lower rate  
22 because of the securitization structure;  
23 right?

24 A I'm sorry, ask the question one  
25 more time, please.

26 Q By using a securitization  
27 structure, one can get a lower interest rate  
28 than through other types of debt?

1           A    For the -- you're talking about for  
2   the 7 billion that PG&E is requesting the  
3   securitization for?

4           Q    Right, or for whatever amount;  
5   right? Not whatever amount, but for whatever  
6   amount you're securitizing, you can get that  
7   debt at a lower cost by securitizing?

8           A    Yes, because you do have the  
9   guarantee of the stream of money.

10          Q    And that can translate into  
11   ratepayer benefits; fair to say?

12          A    It depends on whether you think  
13   that the ratepayers should be paying that  
14   stream of money. In other words, if you  
15   think that the ratepayers are obliged to pay  
16   the 7 billion, then securitizing it would  
17   offer them a lower cost of debt for paying  
18   that 7 billion.

19                But it remains in my mind a  
20   question as to whether the ratepayer should  
21   be paying the 7 billion. And therein lies  
22   the rub from a policy perspective.

23          Q    Now, the reason you expressed  
24   concern is because of risk. Is the risk  
25   you're referring to another possible PG&E  
26   bankruptcy?

27          A    Yes.

28          Q    And do you believe the Commission

1 has the authority to order that rate credits  
2 proposed by PG&E to offset the nonbypassable  
3 rate charges for the proposed securitization  
4 would continue in the event PG&E were to file  
5 for bankruptcy in the future?

6 A You need to repeat the question,  
7 please.

8 Q Does this Commission have the  
9 authority to order that rate credits that  
10 would be used as an offset in a  
11 securitization to the rate charges would  
12 continue in the event of a PG&E bankruptcy?

13 A You know, I don't know. I think  
14 that remains an open question as to whether  
15 they would have that authority if PG&E were  
16 to declare bankruptcy again.

17 Q If the Commission were to determine  
18 it did have that authority, that would  
19 reassure you on the risk that you cite;  
20 correct?

21 A It would certainly address and  
22 issue.

23 Q It's the issue you've identified.

24 A I've identified another issue as  
25 well, the concern that the ratepayers -- I  
26 mean if we want to read on in my testimony --  
27 the concern that the ratepayers feel like  
28 maybe this isn't a cost that they ought to be

1     paying and that the Commission hasn't  
2     addressed whether it's reasonable for them to  
3     pay it.

4             Q     Assuming that the securitization is  
5     structured to be rate neutrality with  
6     offsets -- and we'll discuss what those  
7     offsets are -- assuming that it's structured  
8     to be neutral to ratepayers, that issue would  
9     go away; right?

10            A     If the Commission could somehow  
11     guarantee that those -- and I'm not -- and in  
12     my opinion, I'm not convinced that the  
13     Commission could do that. But  
14     hypothetically, if the Commission were able  
15     to guarantee that that stream of payments  
16     from PG&E would go forward for the entire  
17     life of the securitization, bankruptcy or no  
18     bankruptcy, regardless of whether or not  
19     liabilities PG&E might face in the future,  
20     then, yes, that would address a concern.

21            Q     Then I want to now have you turn to  
22     PG&E-X-02, which is another data request.  
23     It's a one-pager in front of you. Do you  
24     have that in front of you?

25            A     That's the six, seven, and eight?

26            Q     Yes. And in the response to Q-6,  
27     the second to the last sentence begins,  
28     quote:

1 PG&E has not demonstrated  
2 that there is a market  
3 for additional  
4 securitized debt covering  
5 the earlier period, close  
6 quote.

7 Do you see that?

8 A Yes.

9 Q Can you explain what that means.

10 A Personally I have a concern that  
11 you may saturate the market. We're talking  
12 about really large sums of money, you know,  
13 7 billion here, 6 billion there. I mean in  
14 previous -- if one goes back and looks at  
15 previous securitizations, 10 billion was a  
16 lot of money.

17 And we're now dealing with the  
18 wildfire fund securitization adopted by 1054,  
19 which is 11 billion, we're looking at PG&E  
20 potentially coming in with its proposed 7  
21 billion. I mean it's just a question of  
22 whether the market gets saturated, whether  
23 there's interest in that. It's an empirical  
24 question.

25 Q You would expect experienced  
26 investment bankers to have a good visibility  
27 on that?

28 A Presumably they would -- the market

1 would signal whether there was interest. But  
2 from the Commission's perspective, it's an  
3 issue that they should keep in mind. There's  
4 not endless market for different kinds of  
5 debt instruments. There's consequences to  
6 having too much of, if you will, too much of  
7 what PG&E is considering to be a good  
8 thing. ]

9 Q On page 23 of your testimony where  
10 we are -- were, if you go to line 10, it  
11 states, quote, thus, the Commission should  
12 deny PG&E's proposal to securitize the  
13 \$7 billion in debt costs, and direct PG&E to  
14 use the NOLs to support the most appropriate  
15 form of unsecuritized debt that is available  
16 to PG&E to refinance the \$6 billion in  
17 short-term debt and the additional  
18 1.35 billion due to the fire victim trust,  
19 close quote. Do you see that?

20 A Yes, I do.

21 Q And this refers back to what we  
22 were referring earlier, the possibility of  
23 NOLs, shareholder asset NOLs, being used to  
24 offset the dedicated rate stream in the  
25 securitization. Right?

26 A Yes. We're -- we're referring to  
27 the -- the NOLs, or the tax savings  
28 associated with the losses. So we're

1 projecting forward that there will be a  
2 stream of money that would otherwise have  
3 been paid to the IRS that would be available  
4 to support the debt. And --

5 Q And so you -- you would agree it  
6 would be appropriate to use NOLs generated by  
7 the payment of wildfire claims costs to  
8 refinance the 6 billion in temporary utility  
9 debt, as I read -- as I read this. Correct?

10 A Yes, to the extent -- I mean PG&E  
11 asserted that it had those NOLs in sufficient  
12 levels to be able to cover the cost of the  
13 securitization. Presumably, it's reasonably  
14 close to the cost of debt that's not  
15 securitized in the same manner.

16 Q And I understand that you oppose  
17 securitization. But, to the extent that  
18 securitization were approved by the  
19 Commission, you would agree that those NOLs  
20 could equally be used, instead, to offset the  
21 dedicated rate component on customer bills.  
22 Right?

23 A Yes, the math would definitely work  
24 out.

25 MR. ALLRED: No further questions.

26 ALJ ALLEN: Thank you, Mr. Allred.

27 Mr. Alcantar?

28 ///



1 CROSS-EXAMINATION

2 BY MR. ALCANTAR:

3 Q Good day, Ms. Yap. Good to see  
4 you.

5 A Good day.

6 Q Just really one question. I'm  
7 interested in your definition -- as opposed  
8 to perhaps the question the way it was  
9 phrased to you, of the definition of risk of  
10 securitization. Could you clarify that for  
11 us, please? Is it only the event of a future  
12 PG&E bankruptcy or are there other risks you  
13 had in mind in your testimony on page 23 of  
14 your -- of exhibit -- of your exhibit?

15 A I'm -- it's a -- as I think I've  
16 expressed in my testimony, I am concerned  
17 that the ratepayers would -- there are  
18 circumstances under which the ratepayers  
19 could basically be left holding the bag, and  
20 that's -- that's what I'm focused on here,  
21 and -- and then I also think there is a real  
22 issue as to whether -- you know, if that  
23 were -- I mean if that were to occur, and the  
24 ratepayers are left holding the bag, would  
25 the Commission otherwise have made the  
26 determination that a hundred percent of the  
27 7 billion-dollar obligation was just and  
28 reasonable to place in -- in rates. And so,

1     there's this disconnect between what the  
2     Commission would have done under ordinary  
3     circumstances had PG&E come in and asked to  
4     recover those monies, and has a right to file  
5     an application; but, the Commission would  
6     have gone through that process. That's the  
7     disconnect here that I -- I'm very concerned  
8     about.

9             Q     Could you compare your assessment  
10     of the risk of securitization with what you  
11     understand PG&E's view of any risk of  
12     securitization?

13            MR. ALLRED: Object to the form.

14            ALJ ALLEN: Overruled.

15            THE WITNESS: It's a little difficult,  
16     because I don't know exactly what their  
17     definition is. But, my understanding is  
18     you -- the Commission would attach a payment,  
19     a rate, that is paid off for 20 years or  
20     15 years, whatever the life of the debt is,  
21     and that is -- that's dedicated. It can't be  
22     undone without violating the securities, the  
23     terms of -- I mean all sorts of agreements  
24     are signed off in doing a securitization. So  
25     it's not -- it's not something -- you know,  
26     in five years, if PG&E's bankrupt, you can't  
27     just say, "Oh, well. We really didn't mean  
28     it. The ratepayers don't have to pay." The

1 ratepayers still have to pay that rate,  
2 regardless of the -- of the circumstances.  
3 That's my understanding. That's the basis  
4 for my concern about if there were a  
5 bankruptcy that basically upset the apple  
6 cart with respect to the NOLs.

7 BY MR. ALCANTAR:

8 Q I appreciate that response. The --  
9 the question I'm -- I think I'm trying to  
10 sort out is in your review and assessment of  
11 the PG&E testimony associated with its  
12 optimism, if you will, with respect to the  
13 benefits of securitization before the  
14 Commission, do you see any risk at all in  
15 their assessment?

16 MR. ALLRED: Objection, vague, lacks  
17 foundation.

18 ALJ ALLEN: Overruled.

19 THE WITNESS: You know, I don't have  
20 the testimony in front of me, so I -- I can't  
21 really speak to what they were saying.

22 MR. ALCANTAR: Thank you. Nothing  
23 further, your Honor.

24 ALJ ALLEN: Thank you, Mr. Alcantar.  
25 Mr. Bloom?

26 MR. BLOOM: Thank you, your Honor.

27 ///

28 ///

1 CROSS-EXAMINATION

2 BY MR. BLOOM:

3 Q Good afternoon, Ms. Yap.

4 A Good afternoon.

5 Q My name is Jerry Bloom, and I'm  
6 here on behalf of the Tort Claimants  
7 Committee.

8 On page 10 of your testimony, you  
9 address the evolution of PG&E's management  
10 structure, and specifically talk about that  
11 prior to 2000, PG&E had organized its  
12 business around geographic regions. Is that  
13 correct?

14 A Yes, that is correct.

15 Q And then we had the PG&E bankruptcy  
16 2001. But, in the mid-2000s, you state in  
17 your testimony at page 11 that PG&E moved to  
18 a centralized organizational structure. Is  
19 that correct?

20 A Yes.

21 Q And now, in the questions you've  
22 already been asked this -- this afternoon by  
23 PG&E's counsel, we find that PG&E has teed up  
24 a regional structuring plan that it plans to  
25 submit in the future. We just have a little  
26 bit of detail now, but this is a plan that's  
27 forthcoming?

28 A Yes, there was a half a page, I

1 believe, in the -- in their testimony.

2 Q That's correct. And is your  
3 testimony, for clarification today, that you  
4 would like to see that filed or a requirement  
5 that that get filed in the General Rate Case,  
6 in their next General Rate Case, which would  
7 be the 2021 filing?

8 A My proposal is that it -- you would  
9 address the Plan of Reorganization in the  
10 context of the General Rate Case that PG&E  
11 would -- well, let me back up.

12 That PG&E would take the year that  
13 it would have between the time the Commission  
14 addressed the POR and the time it filed its  
15 General Rate Case for test year 2023, that  
16 that would be filed in the fall of 2021, and  
17 PG&E would incorporate in that filing the new  
18 organization, basically. And I suspect that  
19 there may be some considerable differences in  
20 the way they describe their organization,  
21 their -- it could be reflected in O&M costs,  
22 et cetera; but, whatever. It gets  
23 incorporated in that General Rate Case  
24 filing. That's what my -- my vision was.

25 Q And then the questions you were  
26 asked earlier this afternoon, do you have an  
27 idea of -- of the timing it will take that  
28 whole process, if you will, the -- you talk

1 about the complications and the pervasiveness  
2 of the change to actually go through those  
3 proposals in the GRC to be implemented.

4 Do you have any idea what we're  
5 talking about, what would be the time to  
6 implement those changes?

7 A Well, to do a major reorganization,  
8 it's not something you can do in four months.  
9 You can talk about it in four months. You  
10 might have a better idea than you have today  
11 in four months. But, I think it takes years  
12 to actually effect a -- a reorganization.

13 Q Okay. And if you've been around or  
14 listened to cross-examination by Mr. Abrams  
15 in this, and also from the victims'  
16 perspective who's worried about what's going  
17 to happen in the interim period, there are  
18 questions of how the system operates and what  
19 we do as we effectuate these longer-term  
20 changes that are coming up. Is that correct?

21 A I have -- I can appreciate that  
22 Mr. Abrams has some concerns about the  
23 victims. It's certainly reflected in his  
24 questions.

25 Q Okay. So if I understand your  
26 testimony, on page 11, you discuss the matrix  
27 type organization, and you say that the  
28 implementation of this would allow the

1 Commission or PG&E to start acting more  
2 quickly in what you call an interim period.

3 So could you explain how that  
4 recommendation works or what happens in the  
5 interim period in the -- and the necessity of  
6 why -- why you want something implemented in  
7 the interim period?

8 A My -- I mean, again, my vision was  
9 that the -- the fully fleshed out plan would  
10 be reflected in the General Rate Case in  
11 about a year. So in the meantime, there are  
12 steps that PG&E could take to address the  
13 types of concerns that have emerged, and I  
14 describe it. I -- I think I -- I described  
15 the -- the creation of the troubleshooter  
16 type person who would try to integrate -- I  
17 mean it is -- it is a matrix or a pseudo  
18 matrix type of organization structure where  
19 you have two lines of responsibility for an  
20 individual, they have two lines of reporting.  
21 So generally, people -- well, not always.  
22 But, if you don't have a matrix organization,  
23 you have a single line of reporting, and  
24 generally organized around some, you know --  
25 you could be organized around geography, but  
26 a lot of times, it's functional. And PG&E 's  
27 is what I'm calling task-oriented, because  
28 it's functional with a twist, lots and lots

1 and lots of functions broken out into lots of  
2 detail. So you create a situation where you  
3 begin to draw the attention of people who are  
4 focused on the function. They're focused on  
5 the "I'm going to go out and, you know, I'm  
6 going to plan something or I'm going to  
7 engineer something or I'm going to go repair  
8 something," and I'm thinking of it in terms  
9 of my limited focus, and I'm -- what we're  
10 trying to do is broaden that focus so that  
11 the folks -- that they're thinking -- as --  
12 as I believe I say in my testimony, more  
13 wholistically, so that for each geographic  
14 region, you begin to get commun- -- you get  
15 better communication among the different task  
16 area or task motivated people within a  
17 particular geography. Now, they're still  
18 reporting back to San Francisco or to the  
19 sub-regions. So they still have that  
20 responsibility to -- in terms of quality  
21 control, in terms of what they're supposed to  
22 be doing, how fast they're doing it. But,  
23 they begin to have responsibilities for  
24 "Let's compare notes." And this  
25 troubleshooter -- I was trying to think of  
26 something that would -- would provide an  
27 opportunity where you have somebody who  
28 actually has responsibility to weave together



1 across all the different tasks. They're  
2 important tasks. Right? But, they're  
3 individually done, and they'll be done in  
4 different geography, you know, different  
5 geographical areas at different times, and  
6 they're not thinking, oh, for, you know,  
7 the -- Lake County, which came up earlier,  
8 they're not thinking, "Oh, what's the best  
9 for Lake, or are we covering all the bases in  
10 Lake County?" So the troubleshooter would  
11 start the -- start that up, because it's  
12 going to be their responsibility to make sure  
13 that, from Lake County's perspective, they're  
14 getting stuff covered; and if they aren't,  
15 that troubleshooter knows who to go to back  
16 at the -- in the various line positions to  
17 try to get that effected and figure out,  
18 well, what's causing -- you know, why are  
19 things falling through the cracks or why  
20 isn't something being covered. Now,  
21 obviously, they're going to be competing with  
22 other demands on these resources. So it's  
23 not a perfect, you know -- Lake County won't  
24 just get everything it wants, but -- but,  
25 Lake County gets, if you will, represented in  
26 the organization kind of geographically  
27 before we get to the reorganization, which is  
28 a year or two years or maybe even three years

1 off. So that was the -- that was the idea.

2 Q You anticipated very well where my  
3 questions were going.

4 On page 14 of your testimony, in  
5 fact, you discuss the horizontal linkage and  
6 proposals, and -- and in that context, you  
7 specifically, as you just referred, discuss  
8 prevent -- preventing things falling through  
9 the cracks and troubleshooting in terms of  
10 that proposal. Is that correct?

11 A Yes.

12 Q And that's part of the -- and is  
13 this horizontal linkage -- because I wasn't  
14 clear.

15 Is that also an interim step or is  
16 that something that's more generic or more  
17 structural?

18 A It's an interim step, and it could  
19 be set aside. They -- I mean the people  
20 that'll be thinking about the reorganization,  
21 you know, they can think about to the extent  
22 that leaving matrix kind of, you know, within  
23 the organization, you could decide you want  
24 to have a -- a mini matrix within it. I  
25 think Ms. Powell might have referred -- or  
26 someone referred to a matrix style  
27 organization -- no. Anyway, one of the  
28 witnesses I heard I -- referred to a matrix

1 or -- type organization. I think it was in a  
2 customer service context. So I mean you can  
3 have little matrix organizations. So they  
4 could decide to preserve it or they could  
5 decide to set it aside.

6 Q You would agree, then, if I  
7 understand the point you made earlier, it's  
8 really important as we implement the -- the  
9 Plan of Reorganization and move forward and a  
10 lot of the details get filled in, the  
11 restructuring plan and things come to the  
12 Commission, to have a system in place that  
13 allows us to troubleshoot or identify, as you  
14 said a minute ago, as specific concerns or  
15 problems or issues arise, a system in place  
16 to identify those things to take care of  
17 them, not wait 'til two or three or  
18 four years from now, and in the meanwhile,  
19 things fell through cracks or, God forbid, we  
20 end up with another catastrophic event or  
21 things that we don't want to be happening in  
22 the meantime?

23 A These -- these are meant to be  
24 things that would -- you would effect them  
25 very quickly, and you could adapt them to how  
26 things evolve as people's thinking about what  
27 regionalization means from an organizational  
28 perspective. These interim steps are

1     adaptable, and you could fashion measures to  
2     try to figure out if they're helpful or not,  
3     and you could adapt them to make them better,  
4     you know, better -- I mean maybe the  
5     troubleshooter isn't the perfect solution.  
6     You could come up with something that's even  
7     better. But -- but, the point here is that  
8     you do have the options to take immediate  
9     steps.

10           Q     And I was struggling with the same  
11     thing you'd like call them.

12                     What you're saying is we need the  
13     fashion, whether they're measures or metrics  
14     or some type of identifiable metrics or  
15     things that would bring those issues that you  
16     talked about, those concerns that surface, to  
17     the surface, and get them taken along the  
18     way, so we don't end up down the line saying,  
19     "How did we get here with a catastrophic  
20     event?" We can back that up, and take care  
21     of those things as we effectuate change. Or  
22     even if we have a restructuring plan in  
23     place, as we're implementing it, if we get  
24     off track, we can make adjustments along the  
25     way?

26           A     I would agree that it's  
27     definitely -- you could definitely make  
28     adjustments to this. I mean and -- and it

1 would work within what PG&E's proposing as  
2 the overarching plan -- you know, region --  
3 regionalization plan. This is an interim  
4 step that could be carried forward or set  
5 aside, as appropriate.

6 Q Okay. So taking out what you said,  
7 this is all within what PG&E is proposing, is  
8 what you just said. Correct?

9 A Yes. And it -- it wouldn't slow it  
10 down. It shouldn't slow it down. It  
11 should -- it should -- it should help.  
12 And -- and, in fact, thinking about --  
13 thinking about the work that troubleshooters  
14 would do, I think, would actually be  
15 inspirational, or should be, in terms of  
16 thinking about what the real needs are, in  
17 terms of regionalizing the company, what  
18 you're really trying to accomplish.

19 Q And would you accept that  
20 inspiration that you're talking about by  
21 being able to troubleshoot and make course  
22 corrections, I think will be a nice way to --  
23 to frame this, would certainly help victims  
24 who need a peace of mind that what we're  
25 doing is leading to a different result or we  
26 can make corrections along the way to  
27 optimize our ability to get to a better,  
28 safer, more affordable system?

1           A     I would think that the victims and  
2     the communities from which those victims came  
3     would be reassured by the creation of a  
4     troubleshooter. And we're going to call it  
5     troubleshooter, because that's what I chose.  
6     But, that type of position, I think that  
7     would be enormously reassuring to them,  
8     because it would be demonstration that the  
9     organization is taking the community  
10    perspective very seriously, not just from a  
11    hold your hand at the customer end of things,  
12    but from across the fabric of -- of the  
13    corporation, across the engineering, across  
14    the maintenance, the -- the personnel,  
15    that -- that people would be -- there would  
16    be an attempt to fold in that tech -- the --  
17    try to --

18           ALJ ALLEN: I think you've answered the  
19    question already.

20           THE WITNESS: Okay.

21           ALJ ALLEN: Thank you.

22           MR. BLOOM: Thank you, your Honor.  
23    That concludes my cross.

24                    Thank you, Ms. Yap.

25           ALJ ALLEN: Ms. Sheriff, do you have  
26    any redirect?

27           MS. SHERIFF: I have one question for  
28    Ms. Yap on redirect.

1 ALJ ALLEN: Okay. She's done most of  
2 the redirect already herself, so --

3 MS. SHERIFF: Yes. I'm blessed with  
4 my -- with my witnesses, your Honor. Thank  
5 you.

6 REDIRECT EXAMINATION

7 BY MS. SHERIFF:

8 Q Ms. Yap, on what's been marked for  
9 identification as PG&E-X-2, which is the  
10 CLECA Response Number 6, counsel for PG&E  
11 asked you about specifically the risk of  
12 securitization from another PG&E bankruptcy.  
13 You responded to that, and also talked about  
14 the concern over market saturation.

15 What other risks do you see to the  
16 ratepayers of securitization?

17 ALJ ALLEN: I thought Mr. Alcantar  
18 asked that question.

19 THE WITNESS: Yeah. I -- I'm sorry.  
20 I -- I see it as being the -- the ratepayers  
21 are forever bound to paying that -- you know,  
22 paying that amount of money, regardless of  
23 what happens downstream to PG&E's ability to  
24 offset it. I think that's really the major  
25 risk.

26 MS. SHERIFF: Okay. Thank you.

27 ALJ ALLEN: Thank you, Ms. Sheriff.

28 Let's go off the record for a

1 second.

2 (Off the record.)

3 ALJ ALLEN: On the record.

4 I'm assuming there's no more  
5 cross-examination for this witness.

6 (No response.)

7 ALJ ALLEN: Seeing none, Ms. Sheriff,  
8 do you wish to move some exhibits?

9 MS. SHERIFF: Yes, your Honor. May I  
10 please ask to have moved into the record  
11 Exhibit CLECA-1 and Exhibit CLECA-1-E?

12 ALJ ALLEN: Is there any objection to  
13 the receipt of those two exhibits?

14 MR. ALLRED: Provided that I understand  
15 correctly that 1-E completely replaces pages  
16 7 and 8 of 1, I have no objection.

17 ALJ ALLEN: CLECA-1-E has a redline  
18 that shows exactly what is changed.

19 MR. ALLRED: Oh, okay.

20 ALJ ALLEN: And so it's pretty clear  
21 what it does on pages 7 and 8 of CLECA-1.

22 Hearing no objection, CLECA-1 and  
23 CLECA-1-E are admitted.

24 (Exhibit No. CLECA-01 was received  
25 into evidence.)

26 (Exhibit No. CLECA-01-E was received  
27 into evidence.)

28 ALJ ALLEN: Thank you, Ms. Yap. You



1 may step down.

2 Off the record.

3 (Off the record.)

4 ALJ ALLEN: On the record.

5 PG&E, call your witness, please.

6 MR. MANHEIM: Thank you, your Honor.

7 Mr. Robert Kenney.

8 ALJ ALLEN: Thank you.

9 ROBERT S. KENNEY called as a witness  
10 by Pacific Gas & Electric Company,  
11 having been sworn, testified as  
12 follows:

12 THE WITNESS: I do.

13 ALJ ALLEN: Thank you. Please be  
14 seated, state your full name, and spell your  
15 last name for the record.

16 THE WITNESS: Full name is Robert,  
17 middle initial "S," last name Kenney,  
18 K-e-n-n-e-y.

19 MR. MANHEIM: Thank you.

20 DIRECT EXAMINATION

21 BY MR. MANHEIM:

22 Q Good afternoon, Mr. Kenney.

23 Can you state your position with  
24 PG&E?

25 A Vice president, state and  
26 regulatory affairs.

27 Q Thank you. And are you sponsoring  
28 PG&E Exhibit-1, Chapters 10, 11 and 12?

1	A	Yes, I am.
---	---	------------

4           A     Two small ones, if I may.  
5     Chapter 12, page 4, line 8, I used the word  
6     reaffirmance. That should read  
7     reaffirmation.

11 Q Okay. Thank you. With those  
12 corrections, what -- was that testimony  
13 prepared by you or under your direction?

15 Q And with the corrections noted, is  
16 it true and correct, to the best of your  
17 knowledge?

19	Q Thank you.
----	--------------

22 ALJ ALLEN: Thank you, Mr. Manheim.

26 MS. SHERIFF: Thank you.

28	///
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1 CROSS-EXAMINATION

2 BY MS. SHERIFF:

3 Q Good afternoon, Mr. Kenney, Nora  
4 Sheriff for CLECA. It's nice to see you  
5 again.

6 A Likewise; good afternoon.

7 Q At page 10-2, lines 6 to 7, you  
8 reference, quote, a substantial reduction in  
9 the cost of debt, end quote, as the cause for  
10 the projected reduction in customer rates.  
11 Let me know when you get there.

12 A Yes.

13 Q Are you referring to anything  
14 besides the reduction in the revenue  
15 requirement of about \$70.7 million per year  
16 from lower interest rates?

17 A So the -- what's referenced there  
18 on page 2, line 10, as discussed in  
19 Mr. Wells' testimony, is the savings that  
20 would be realized as a result of debt that we  
21 would refinance at a lower rate.

22 Q And that is it. Correct?

23 A That's correct.

24 Q Okay. At page 10-3, you talk about  
25 the cost to improve the safety of its system  
26 that would incurred -- been incurred  
27 regardless of the Plan of Reorganization.

28 Does that include your Wildfire

1 Mitigation Plan for 2020, 2021 and 2022?

2 A You're --

3 MR. MANHEIM: What line are you  
4 referring to? Sorry.

5 MS. SHERIFF: Lines 9 to 10, changes in  
6 rates that result from costs that PG&E would  
7 have had to incur to improve the safety of  
8 its system.

9 THE WITNESS: That would be the type of  
10 costs that is referenced there on lines 10 --  
11 9 and 10. So costs associated with our  
12 Wildfire Mitigation Plan are not costs  
13 attributable to the Plan of Reorganization,  
14 and are, therefore, not subject to the 3292  
15 neutral, on average, analysis.

16 BY MS. SHERIFF:

17 Q And does PG&E's three-year Wildfire  
18 Mitigation Plan propose about \$2.6 billion  
19 per year to harden the system?

20 A That sounds directionally correct.

21 Q Okay. At page 10-4, line 8, you  
22 reference a, quote, baseline of what would  
23 have been required absent Chapter 11.

24 I think we just discussed that that  
25 baseline would include your Wildfire  
26 Mitigation Plan. Correct?

27 A Yes, the baseline of what would  
28 have been required irrespective of the

1 Chapter 11. So costs associated with our  
2 Wildfire Mitigation Plan, costs that appear  
3 in our General Rate Case, for instance, those  
4 are costs that would have been acquired  
5 irrespective of the Chapter 11.

6 Q Does it include the pending  
7 application filed on February 7th, 2020 for  
8 recovery of 899 million for costs recorded in  
9 multiple wildfire mitigation and catastrophic  
10 event memorandum accounts?

11 A I believe you're referencing our  
12 application for interim rate relief.

13 Q Uh-huh.

14 A That would be separate and apart  
15 from the Chapter 11, and those would be costs  
16 that would have been required irrespective of  
17 the Chapter 11. So yes. ]

18 Q A simple "yes" or "no" would be  
19 sufficient.

20 A All right. Sorry.

21 Q Does the baseline also include the  
22 application to recover insurance cost in the  
23 Wildfire Expense Memorandum Account of about  
24 \$498.7 million also filed February 7th?

25 A Yes.

26 Q Okay. Are you familiar with  
27 comparisons of California's rates with other  
28 states' rates?

1           A    Generally speaking, yes.

2           Q    Would you agree that California  
3 rates tend to be higher than the rates of  
4 other states?

5           A    Yes, generally.

6           Q    You used to be a commissioner in  
7 another state; correct?

8           A    I did.

9           Q    Missouri; right?

10          A    That's right.

11          Q    Do you recall whether California  
12 rates are higher than Missouri's rates?

13          A    So I do recall that California's  
14 rates are higher than Missouri's rates.

15          Q    And if you're an industrial  
16 customer who uses a lot of power on a regular  
17 basis, so 24-7, full shifts, high load  
18 factor, you also have correspondingly high  
19 bills associated with those high rates;  
20 correct?

21          A    Correspondingly or comparatively?  
22 So compared to Missouri?

23          Q    Mm-hmm.

24          A    I suspect that would be true since  
25 the rates here would be higher than the rates  
26 in Missouri. But I don't recall what the  
27 industrial rates were in Missouri. But  
28 comparatively speaking, I think that would be

1 right.

2 Q Thank you.

3 MS. SHERIFF: Your Honor, I have no  
4 further questions.

5 ALJ ALLEN: Thank you.

6 Any recross based on that?

7 REDIRECT-EXAMINATION

8 BY MR. MANHEIM:

9 Q Yeah. Does PG&E evaluate rate  
10 impacts on customers on the basis of the rate  
11 or on the average monthly cost?

12 A So when we look at the cost impact,  
13 we're looking at the bottom of the bill. So  
14 it's the bill overall rather than just the  
15 rate itself.

16 Q And how does PG&E's average monthly  
17 bill compare in terms of the national  
18 average?

19 A So compared to the national  
20 average, we're either in line with or  
21 actually a little bit lower. That's  
22 primarily attributable to a couple different  
23 issues: The temperate climate but also our  
24 leadership around energy efficiency.

25 MS. SHERIFF: Your Honor, I was asking  
26 about industrial customer rates. Is this  
27 specific to industrial customer rates?

28 ALJ ALLEN: Whatever. I mean, this is

1 about something we actually don't need a lot  
2 of cross on. We have plenty of record on  
3 this issue.

4 So are you done?

5 MR. MANHEIM: I'm done.

6 ALJ ALLEN: Okay.

7 I assume you don't need to re-cross.

8 MS. SHERIFF: No. Thank you.

9 ALJ ALLEN: Anything else for  
10 Mr. Kenney today?

11 (No response.)

12 ALJ ALLEN: Any housekeeping things we  
13 need to take care of before we adjourn for  
14 the day?

15 MS. SHERIFF: I do have one question  
16 about the timeliness of the hearing  
17 transcripts with the opening deadline coming  
18 up.

19 ALJ ALLEN: Well, if I could stop going  
20 until 5:00 o'clock, they could probably get  
21 them out faster.

22 MR. BLOOM: We only have one so far,  
23 your Honor.

24 ALJ ALLEN: I'm sure the reporters are  
25 working on it. You know, Judge Cook and I  
26 have been really maximizing hearing room  
27 time. And to the extent that parties want to  
28 keep doing cross-examination on stuff that a



1 lot of I think is of questionable value to  
2 this Commission and to briefing, we're going  
3 to have long hearing days. And it's going to  
4 slow down the transcripts.

5 So I'm not making any promises on  
6 behalf of the reporters. I know they work  
7 hard and are trying to get the transcripts  
8 out quickly.

9 But if I'm running 9:00 to 12:00 and  
10 1:00 to 5:00, that doesn't give them a lot of  
11 time to get the transcripts ready. So I'm  
12 sure they're getting them as quickly as they  
13 can. You know, I don't have a huge amount of  
14 sympathy if I'm having this kind of length of  
15 hearing days to get through stuff where  
16 frankly there's a lot of stuff that's --  
17 there's cross-examination here that's not on  
18 disputed factual issues that I think parties  
19 can raise in briefs. So I won't promise you  
20 anything other than I'm sure the reporters  
21 are trying to get the transcripts out as  
22 quickly as they can.

23 I would start again at 9:00. I am  
24 cognizant that it's election day. Actually,  
25 we might -- last week when I was doing this  
26 and hoping we would be efficient, I was  
27 thinking maybe we could start at 10:30. But  
28 given how it's going, we'll start at 9:30

1 tomorrow morning.

2 Anything else?

3 (Ne response.)

4 ALJ ALLEN: Thank you. The hearing is  
5 adjourned for the day.

6 (Off the record.)

7 (Whereupon, at the hour of 4:44 p.m.  
8 this matter having been continued to  
9 9:30 a.m. March 3, 2020, at  
San Francisco, California, the  
Commission then adjourned.) ]

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE  
STATE OF CALIFORNIA

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ANDREA L. ROSS  
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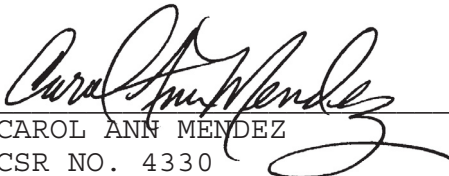
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A handwritten signature in black ink, appearing to read 'JAS STACEY', written over a horizontal line.

JASON A. STACEY  
CSR NO. 14092


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TRANSCRIPT OF THE TESTIMONY AND PROCEEDINGS HELD IN  
THIS MATTER ON MARCH 2, 2020.

I FURTHER CERTIFY THAT I HAVE NO INTEREST IN THE  
EVENTS OF THE MATTER OR THE OUTCOME OF THE PROCEEDING.

EXECUTED THIS MARCH 06, 2020.

  
REBEKAH L. DE ROSA  
CSR NO. 8708

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